

LETTER
FROM
THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In compliance with a resolution of the Senate of December 8, 1879, information in relation to the number of mining camps located on the Ute Indian Reservation in Colorado.

JANUARY 7, 1880.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1880.

SIR: In response to the resolution of the Senate of the 8th ultimo, directing the Secretary of the Interior "to inform the Senate what number of mining camps have been located on the Ute Indian Reservation in Colorado; when and at what points such mining camps have been located; what efforts, if any, have been made to remove such mining camps; and whether such camps are now in existence, or were in existence on the 1st day of September, 1879; and that he transmit to the Senate all correspondence of and concerning the location and continuance of such mining camps on such reservations," I have the honor to transmit herewith a copy of a letter, dated the 6th instant, from the Commissioner, to whom the subject was referred, together with the papers therein mentioned, which contain, it is believed, all the information in this department upon the subject in question.

Very respectfully, &c.,

C. SCHURZ, *Secretary.*

THE PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 6, 1880.

SIR: By department reference of the 9th ultimo, I have the honor to be in receipt of Senate resolution dated December 8, 1879, and, in compliance with your instructions for report, respectfully forward herewith copies of correspondence found in the files of this office relating to the trespasses of white settlers on the Ute Indian Reservation. The correspondence is voluminous, covering 482 pages, and, upon careful pe-

rusal, will be found to sustain fully the statements made in the last annual report of this office, which called forth the Senate resolution.

The resolution of the Senate is herewith respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,

E. A. HAYT,

Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

LOS PINOS INDIAN AGENCY,

Colorado, May 2, 1873.

SIR: I have the honor to submit herewith my report for the month of April. Since my last report all the Tabeguache, with some of the other bands of Utes, have returned from their winter hunting trip west of here, and are encamped now at the agency, drawing regular rations of subsistence. They have been very successful during their hunt and have not suffered from want. Roaming and hunting during the winter has made sad havoc, though, with their clothing, so I shall distribute at an early date amongst them what annuity goods and presents I have on hand. Some of them, in company with Ouray, have been up as high as White River Agency, visiting their brethren there, while others have been as far west as the Colorado River, and south to the line of Arizona, in pursuit of the murderers of Mr. Miller, of which one was killed, as formerly reported, in accordance with their sense of justice. The main body of Utes remained in the valleys of Grand River and the Uncompahgre. They feel very gratified in regard to the action taken by the government concerning the San Juan mining district, and I think that this very order will have more effect upon them as to ceding this portion of their reservation, and as to their quietly remaining at this agency, than too much council talk and offers of presents. As reported in a former communication, all that is necessary to effect a treaty with these Utes is the restoration of Ouray's son to them, and the authority to Mr. Brunot to offer them a fair consideration.

As the press of this Territory, and correspondents with the same, have used threatening language towards the Utes, with the view of exciting the feelings of the miners claiming the desired portion of the reservation, I have used my endeavors and authority to gather all the Utes at this agency, so as to avoid all contact of the Indians with the intruding miners, and in this I am ably assisted by the principal chief, Ouray, to whom indeed belongs all the credit for keeping his nation so well in order. I may safely say that he has taken the utmost precaution to avoid a collision, which cannot happen unless brought on by the intruders.

With the intention of bringing Kaneatche to this agency, and those of the Muaches who follow him, I went to the Cucharas myself, early in the month, and though I was unsuccessful in this my object, I think my coming and calling the attention of the department to this very bad man has not been without fruit, as the hostile feeling of the settlers there has decreased and the Indians have left for the plains, as I hear.

Ouray has sent messengers to Kaneatche to order him to this agency, and though I have explained to him that he is at present under the charge of the New Mexican superintendency, he insists that he is one of his sub-chiefs, under his orders; that he belongs here according to treaty, and that he (Kaneatche) cannot be trusted, as his young men are quasi

encouraged in their misdemeanors by him, as almost every spring something like the same occurrence of this year has happened, when Kane-athe was away from the main tribe. Ancatosh, the other chief of the Muache Utes, with his party is now at the agency.

I have to report that a case of small-pox has made its appearance at the agency, a man bringing some freight here from Pueblo, lying down with it. He was taken sick here, and I could not send him away, as he surely would have died on the road, so I have taken all precaution in my power to keep the man isolated, and let none of the Indians come in contact either with him or his attendant. It is quite a blessing to have a physician at the agency, under the circumstances.

I have the honor to be, very respectfully, your obedient servant,

CHARLES ADAMS,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., May 17, 1873.

To General P. H. SHERIDAN,
Commanding Military Division Missouri, Chicago, Ill.:

Dispatch of General Fry of the 16th, just received by me, has been shown to Secretary Belknap, and by him to the President. He directs if the troops have not left Fort Garland for the Ute Reservation, the movement may be suspended for the present, but if they have left, send orders to overtake the commanding officer to take no action toward a forcible removal of the trespassers until he receives further instructions. When an answer is received from New Mexico, report the same.

W. T. SHERMAN, *General.*

Official copy respectfully furnished to the Adjutant-General, U. S. A.

Assistant Adjutant-General.

[The Western Union Telegraph Company, Chicago, Ill., May 16, 1873.—Received at ———, via Washington, D. C., 16th.]

Col. W. D. WHIPPLE,
Headquarters of the Army, Georgetown, D. C.:

General Pope telegraphs that he understands that it is the present purpose to suspend the orders for removing miners from Ute Reservation. If so, he asks to be notified at once, as the troops for that service were to march yesterday from Garland. He says removal will cause great excitement, and may require actual force. If the President intends any other course, General Pope asks to know it as soon as possible.

In the absence of the Lieutenant-General.

JAMES B. FRY,
Assistant Adjutant-General.

WAR DEPARTMENT,
 ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1873.

GENERAL: Referring to telegram of 16th instant, from headquarters Military Division of the Missouri, I am instructed by the Secretary of War to say that the President directs (in connection with the removal of trespassers from the Ute Reservation) that if the troops have not left Fort Garland, Colorado Territory, the movement be suspended for the present. If they have left, however, the commanding officer will be notified to take no action under his orders until he receives further instructions.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

The GENERAL OF THE ARMY.

WAR DEPARTMENT,
 ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1873.

Official copies.

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT,
Washington City, May 17, 1873.

SIR: I have the honor to inclose copy of a telegram from General Sheridan's headquarters in regard to the movement of troops for the purpose of removing trespassers from the Ute Reservation.

Upon consultation with the President, he directed that the inclosed instructions to the General of the Army be issued.

I also inclose copy of the orders of the General of the Army to General Sheridan.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. the SECRETARY OF THE INTERIOR.

No. 4566.]

WAR DEPARTMENT,
Washington City, June 3, 1873.

SIR: I have the honor to inclose copy of a letter from General Pope of May 21, inclosing copies of telegrams to and from Maj. A. J. Alexander, Eighth Cavalry, relative to the expulsion of miners from the Ute country.

It will be seen that the orders of General Pope were issued prior to the receipt of the President's instructions, suspending for the present the movement for the ejection of the trespassers on the Ute Indian Reservation, copy of which was sent you on the 17th May.

In the absence of the Secretary of War,

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

The Hon. the SECRETARY OF THE INTERIOR.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., May 21, 1873.

To ASSISTANT ADJUTANT-GENERAL,
Headquarters Military Division of the Missouri, Chicago, Ill.:

SIR: I have the honor to inclose herewith, for the information of the division commander, copy of a telegram from these headquarters to Maj. A. J. Alexander, Eighth Cavalry, dated May 16, directing him to move into the Ute country, but to use no violence in dispossessing the miners, &c., and also copy of a telegram from that officer, acknowledging the receipt of the instructions above referred to.

Very respectfully, your obedient servant,

JNO. POPE,
Brevet Major-General, Commanding.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., May 16, 1873.

To Maj. A. J. ALEXANDER,
Eighth Cavalry, Commanding Fort Garland, Colo.:

(Care of Captain Carlin, Pueblo, Colo., who will forward at once by courier.)

You will move into the Ute country with your command as ordered, but will use no actual violence in dispossessing the (miners) until you receive farther orders from this office, which will probably be in a few days. Acknowledge receipt.

By command of Brigadier-General Pope.

R. WILLIAMS,
Assistant Adjutant-General.

[Telegram.]

FORT GARLAND, COLO., *May 17, 1873.*

To Lieut. Col. R. WILLIAMS,
Fort Leavenworth, Kans.:

Dispatch of 16th received. Troops left yesterday. I leave in two days. I will act strictly in accordance with the orders.

A. J. ALEXANDER,
Major Eighth Cavalry.

WAR DEPARTMENT,
 ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1873.

Official copies.

E. D. TOWNSEND,
Adjutant-General.

The Hon. the SECRETARY OF THE INTERIOR.

LOS PINOS INDIAN AGENCY,
Colorado, February 21, 1874.

SIR: You are aware that last fall a treaty was agreed to by the Ute Indians under my charge whereby they ceded to the United States a certain portion of their reservation. By this treaty (Article V) the provision of the treaty of 1868 was expressly reaffirmed, whereby all [no] persons not authorized "shall ever be permitted to pass over, settle upon, or reside in the territory" left as their reservation.

I have now the honor to inform you that already, now, in the middle of winter, and while the ground is covered with a foot or more of snow, parties from New Mexico have taken up ranches and located town-sites on the 15-mile strip of territory south of the lands ceded, which strip of land was expressly reserved for the southern bands of Utes, and I also have learned from good authority that a hundred or more persons are now waiting in the neighborhood of Terra Amarilla, N. Mex., for spring to open, for the evident purpose of *passing over* this part of the reservation, if not to *settle upon* it. Should this be allowed in this first instance, in a few months these Southern Utes would be too weak to stop the rush of miners and immigrants from that direction, and these Tabequaches, as well as the Northern Utes, being parties to the treaty, would be involved in the difficulty.

I therefore, very respectfully, but most earnestly, do request in the name of the Ute Indians, through you, the President of the United States, to keep faith with these Indians by posting a sufficient force of United States troops in a convenient locality, with strict orders to keep all intruders from their reservation.

Rumors of a hostile combination of Utes and Navajoes have lately appeared in the Territorial press, but though I have endeavored I cannot trace these rumors to a reliable source, and I don't believe them; such a thing is very improbable and would not be entertained for a minute by the chief, Ouray; but what the Utes alone would feel almost driven to do next spring, if so soon after this unwilling compliance on their part with the wishes of the government last fall the latter should not protect them, I am not prepared to say until I have seen Ouray.

I should wish to have an answer to this at the earliest practicable time, so that upon the arrival of Ouray and the Utes I can be prepared to inform them exactly of the intention of the government, and can demonstrate to them that I have done my duty to them as their agent.

I inclose a scrap from the Pueblo Chieftain of February 5, showing that parties are constantly passing over this southern strip of reservation, and that (if true, as I have reason to believe) one hostile demonstration has already occurred on the same, and showing also the feeling of the press and people towards these Utes.

I have the honor to be, very respectfully, your obedient servant,
CHARLES ADAMS,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 13, 1874.

SIR: I have the honor to submit, herewith, a communication from Agent Adams, dated the 21st ultimo, from which it appears that parties

from New Mexico have taken up ranches and located town sites on the Ute Indian Reservation in Colorado. These settlements are being made, not on the portion proposed to be ceded by the agreement concluded the 13th of September last, and now before Congress for ratification, but on a part of the reservation which the Utes expressly reserved for their own use when they shall be prepared to engage in herding.

It also appears from the agent's communication that one hundred or more persons are now waiting in the neighborhood of Tierra Amarilla, New Mexico, for the evident purpose of passing over the reservation if not to settle thereon.

In view of these facts the agent requests, in order that faith be kept with these Indians, that a sufficient force of troops be placed in a convenient locality, with strict orders to keep all intruders from entering on their reservation.

The recommendation of Agent Adams is concurred in by this office, and in this connection I desire to invite attention to the fact that, by the fifth article of the recent agreement with these Indians, herein-before referred to, the provisions of the treaty of 1868 are expressly reaffirmed in regard to their reservation, viz: "That no person except those herein authorized to do so, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory" (reservation).

At the interview held with these Indians in Washington, they expressed a fear that the settlers would not observe the lines of the ceded tract, but would settle upon the Indian land. Ouray asked that soldiers be sent back with them to prevent such trespass. He was told that the government would protect his reservation, and when force was necessary to do this, soldiers would be sent. That pledge was renewed in his interview with the President. I deem it therefore of great importance for the faith of the government, as well as for the protection of the Indians, that these trespassers be removed and other intruders prevented from coming on the reservation.

The return of Agent Adams's letter is respectfully requested.

Very respectfully, your obedient servant,

EDW'D P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WAR DEPARTMENT,
Washington City, March 18, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant inclosing report of Charles Adams, agent at the Los Pinos Indian Agency, Colorado, that parties from New Mexico have taken up ranches and located town sites on the land expressly reserved for the southern bands of Utes, now in Colorado; and requesting that a sufficient military force be ordered to the vicinity of the reservation, with instructions to notify all parties concerned that no unauthorized white persons will be permitted to go upon said reservation, and that those now trespassing thereon must abandon it immediately or they will be forcibly removed.

In reply thereto, I would respectfully suggest that the authorities of the Interior Department, in New Mexico, be required to give the notice referred to in your letter, as well to those now on the Ute Reservation,

as to those that are about to move on to it. The superintendent, or one of the Indian agents, might go in person, and if he did not succeed, let him then call upon the commanding officer at Fort Garland, who will be ordered to cause the necessary force to report to him to act under his orders in expelling intruders.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 20, 1874.

SIR: I return herewith report of Agent Adams, of the Los Pinos Indian Agency, Colorado, which accompanied your letter of the 13th instant, addressed to the department, in relation to trespassers upon the Ute Reservation in that Territory.

Copies of these communications were transmitted to the honorable the Secretary of War in letter dated the 14th instant, inviting his attention to the necessity of protecting the Utes from the intrusion of white persons upon their reservation, and requesting him to order a sufficient military force to the vicinity of the reservation, for the purpose of preventing white persons going upon the reservation, and to remove those now trespassing upon it.

I transmit a copy of a letter dated the 16th instant from the honorable the Secretary of War, in reply to department letter referred to, suggesting the proper course to be pursued in the premises, which is for the superintendent or one of the Indian agents to go in person, and if he did not succeed, let him then call upon the commanding officer at Fort Garland, who will be ordered to cause the necessary force to report to him, to act under his orders in expelling intruders.

I concur with the Secretary of War, and request that his suggestion be adopted.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 24, 1874.

SIR: Referring to your letter of the 24th ultimo, relative to trespassers on the Ute Indian Reservation in Colorado, you are advised that the subject has been submitted to the honorable Secretary of the Interior, and by him laid before the honorable Secretary of War, with the request that the military be employed for the purpose of removing such trespassers. This request has been complied with, and it has been suggested by the honorable Secretary of War that you proceed in person to notify trespassers that they must remove at once from the reservation, and caution the parties intending to enter thereon that they will be arrested by the military if they attempt to pass over or settle on said reservation; and that, in case you do not succeed, then you will call upon

the commanding officer at Fort Garland, who will be ordered to cause the necessary force to report to you, and to act under your orders in expelling the trespassers.

You will take action accordingly, and keep this office advised of the result.

Very respectfully, your obedient servant,

EDW'D P. SMITH,
Commissioner.

CHARLES ADAMS, Esq.,
United States Indian Agent Los Pinos Agency, Colorado.

DEL NORTE, COLO., October 31, 1874.

DEAR SIR: You will remember me as the man who first originated the matter for the release of Satanta and Big Tree, at that time confined in the penitentiary of Texas. I now wish to call the attention of the government to the fact, through you, that a large portion of the Ute Indians in the district of country known as the San Juan country and Rio La Plata are making hostile demonstrations; they say that the government has not carried out its treaty stipulations, and they claim the country that was heretofore ceded by them for the sum of \$25,000 per year, &c.

Now, their Chief Ignacio, at the head of the Weeminuche Utes, who number some five hundred, say that the whites must abandon that country. This would cause us in this section to lose much, and the government also to lose, as this is certainly the richest mineral belt of country yet discovered in the world.

On the La Plata River are large placer claims located and worked just enough to show that they are rich in what is called here shot-gold; on this bar there has been something near twenty-five hundred acres taken up in claims of twenty acres to each person locating, all of which is believed to be rich.

Now these parties (and one of whom I am), which want protection, want the government to carry out its agreements with these Indians, give us an agency there, also to establish a military post on the La Plata or San Juan, and save the blood of poor honest miners who, God knows, has a hard life without having the Indians to contend with.

By giving this matter your attention you will no doubt save the lives of good men next spring and much trouble to the government.

With sentiments of high regard, I have the honor to be,

Very respectfully, your obedient servant,

CAMILLUS JONES.

Hon. C. DELANO,

Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, November 10, 1874.

SIR: I transmit, herewith, a copy of a letter from Camillus Jones esq., dated Del Norte, Colo., October 31, 1874, in which he states that a large portion of the Ute Indians in the district of country known as the San Juan and Rio La Plata country, are making hostile demonstrations

against the whites, complaining that the government has not carried out on its part the provisions of the agreement made with the Ute Indians, on the 13th of September, 1873, which agreement was ratified by Congress, and approved April 29, 1874 (Pamph. ed. Stats. at L., Forty-third Congress, first session, p. 36); and that Ignacio, chief of the Weeminuche band of Utes, with about 500 of his band, declares the whites must abandon that country.

Your attention is invited to the subject of this letter, that you may make an investigation of the facts stated and of the ground of complaint made by Mr. Jones.

If the claims referred to are located within the portion of country ceded to the United States in the agreement of September 13, 1873, you should endeavor to restrain such demonstrations and threats on the part of the Indians referred to, and thus avoid the necessity of military interference, and show them, by map or otherwise, that the whites have a right to go there, and that, if they persist, the same military force they ask to protect them from intruders on their reservation will be used to compel them to remain within the limits of the reserve as it now exists. If, however, their claims are located on the strip of country lying between the ceded portion of the reservation and the Territories of New Mexico and Utah, you should at once notify these parties that they are trespassers, and proceed to execute the instructions of this office (copy herewith) issued to your predecessor, Charles Adams, March 24, 1874.

Very respectfully, your obedient servant.

EDW. P. SMITH,
Commissioner.

H. F. BOND, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

Statement of Ouray, principal chief of the Ute Nation.

Governor Elbert informed me that a nephew of his run the eastern line of the reservation, and all the Utes believe that he made a false location for the purpose of throwing outside of the reservation good lands, so that they might make farms and town sites. I think Hunt, Evans, and Elbert were in the speculation.

From common report I believe they have a company organized for the purpose of occupying this land. When I spoke to Mr. Elbert he did not deny having an interest in the speculation, but said nothing more about his relative.

The government makes a treaty, and both parties intend to fulfill it; but a company like this comes in and run the lines to suit themselves.

I, E. R. Harris, do hereby certify that the foregoing is a true and correct translation of a statement made by Ouray, chief of the Utes, at his own request, at a conference held between the Hon. E. M. McCook, governor of Colorado, and Ouray, chief of the Utes, wherein I was the interpreter.

In testimony whereof I have hereto set my hand and seal this 19th day of October A. D. 1874.

E. R. HARRIS. [SEAL.]

TERRITORY OF COLORADO,

Secretary's Office :

Personally appeared before me, John W. Jenkins, secretary of the Territory, E. R. Harris, who, being duly sworn by me, deposes and says that the foregoing interpretation, to which his signature is attached, is a true and correct translation of the statement made by Ouray, chief of the Utes, at a conference held between the said Ouray and Hon. E. M. McCook on the 17th day of October, A. D. 1874, and that his signature thereto is genuine.

In testimony whereof I have hereunto set my hand and caused the grand seal of the Territory to be affixed. Done at Denver this 19th day of October, A. D. 1874.

[SEAL.]

JNO. W. JENKINS.
Secretary of Colorado Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Denver, October 17, A. D. 1874.

At a conference held between E. M. McCook, governor of Colorado, and Ouray, chief of the Utes, in which Ouray made the following statements:

First. That he believes that the eastern boundary of the reservation was surveyed in the interests of a company for the purpose of a speculation without regard to the parties concerned in the treaty, for the following reasons: first, Mr. Samuel Elbert informed him that a nephew of his run the eastern boundary, and from information received from other sources the Utes believe that the surveyors made a false location for the purpose of throwing outside of their reservation arable lands and town-sites. He thinks that Ex-Governor Hunt, Evans, Elbert, and Judge Bennett were interested in the speculation. He believes that when the government makes a treaty it is with the intention of complying in good faith with its conditions. In regard to the treaty of 1873, he says that the Utes had no intention and do not understand that they sold any portion of their reservation except that wherein the mines are located; that they especially reserved all arable and pastoral lands; that it was the understanding of the Utes that the boundary of the conceded portion should follow the base of the mountains.

Referring to the treaty as published, he says that it was not so interpreted to him. That the lines proposed to be established therein have never been agreed to by the Utes, and that they protest against the occupancy of any part of their reservation outside of the mining region. That without waiting till the boundaries should be established by the government, the whites have taken possession of their farming lands, and in some instances have dispossessed the Utes of farming lands that they held as homesteads. That one "Morse," a Mormon, who has some knowledge of the Ute language, has claimed a tract twenty miles square of the most desirable lands; he says that he bought it of the Utes, and laid out a town-site, and asks the whites to assist him in keeping possession of it.

This is one of the many instances that could be cited to show the necessity for prompt interference on the part of the government to prevent a collision and probable war between the settlers and the Utes. That

he trusts that the matters will receive the attention of Congress at its earliest convenience.

OURAY, *Chief of the Utes.*

E. R. HARRIS,
J. WARD,
Interpreters.

We, E. R. Harris and J. Ward, interpreters, whose names are subscribed to the foregoing statement, being first duly sworn, on oath depose and say as follows, to wit: That we were present at the office of the executive of Colorado Territory on the 17th day of October, A. D. 1874, during the conference held between Hon. E. M. McCook, governor of Colorado Territory, and Ouray, chief of Utes; that we acted as interpreters to the statements made by said Ouray to the Hon. E. M. McCook, governor as aforesaid; and that the foregoing is a true and correct translation of the statements made by said Ouray, as we verily believe.

In witness whereof, we have hereunto set our hand and seals this the 19th day of October, 1874.

E. R. HARRIS.
J. WARD.

WHITE RIVER, COLORADO, *June 21, 1875.*

SIR: I write to gain some information in regard to the course and location of a certain wagon road which has been chartered, I am told, by the legislature of Colorado, and passes from Empire through Middle Park, by way of Hot Springs, Egeria Park, Gove's Range, and down the Bear River Valley. I am now told that the said road is to be laid out through the western boundary of Colorado and into Utah. I am also told that upon striking the present government road between this agency and Rawlins at its crossing of Bear River, the said new road will follow the course of said government road to this agency, and thence down the White River into Utah. I ask whether the legislature of Colorado has granted a charter to any person or company to lay out and keep open a public road through this part of the Ute Indian Reservation; and whether any authority has been granted by the President of the United States or by the honorable Secretary of the Interior to the legislature of Colorado to confer such a charter, or to any person or company to lay out a wagon-road through this portion of said reservation?

If such be the case, the agent here should be informed at once, and advised and directed in regard to the course he should pursue, should the Indians belonging here seriously, and perhaps violently, oppose the progress of the work. I am told that such work is proposed this summer. I fervently hope that I have been misinformed.

I respectfully ask an early answer to my letter.

Very respectfully, your obedient servant,

E. H. DANFORTH,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, July 16, 1875.

SIR: In answer to the several inquiries contained in your letter of the 21st ultimo, respecting the authority to build a certain wagon-road (route described by you) down the White River from your agency, through the reservation, into Utah Territory, you are advised that this office is not in possession of any information whatever on the subject.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

ED. H. DANFORTH, Esq.,

United States Indian Agent, White River Agency, Colorado.
(Via Rawlins Station, Wyoming.)

DEPARTMENT OF THE INTERIOR,
Washington, July 23, 1875.

SIR: I return herewith a communication from Superintendent Hoag and accompanying letter to him from Agent Miles, and his reply thereto, which accompanied your report of the 22d instant, upon the subject of employing the said agent to investigate certain matters connected with the Indian service in Southwestern Colorado.

Your recommendation that Agent Miles be authorized to make the investigation, and that he be allowed the actual and necessary expenses he may incur in the discharge of said duty, is hereby approved.

Very respectfully, &c.,

C. DELANO, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 17, 1875.

SIR: I am in receipt of your letter dated the 16th instant inclosing copy of one from Agent J. D. Miles, making application for leave of absence on account of failing health, which you granted.

As Mr. Miles proposes to visit Colorado during his leave, and desires to know if the office has anything for him to do there, it is thought that he can be of service in investigating certain matters in the southwestern part of that Territory.

It is reported that troubles exist at the mines in that section between the Indians and the miners; and complaint is made by the Indians of the Los Pinos Agency of the non-fulfillment of the third article of the convention made and entered into at the Los Pinos Agency, September 13, 1873, by which "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever." (Stats. at Large, vol. 18, p. 37.)

This office, on the 22d ultimo, recommended the employment of Agent Miles in the investigation of these complaints, and on the 23d ultimo the honorable Secretary approved the same.

You are, therefore, directed to instruct Agent Miles to thoroughly investigate the matters referred to, and in regard to the complaint that the above-named agreement has not been fulfilled, he will ascertain from the Indians in that part of the Territory whether or not they have received their proportion of the annuity of \$25,000 guaranteed by the agreement already quoted, and in the discharge of this duty he will be allowed his actual and necessary expenses.

At the close of this service he will make a full report of the same to this office.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence, Kans.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 26, 1875.

SIR: I have the honor to invite the attention of the department to a statement of John D. Miles, agent for the Cheyenne and Arapahoe Indians, who has been detailed to visit the Ute Indians in Colorado, with reference to a division of their funds, and a settlement of the troubles respecting the boundary line of the late cession by the Utes.

While engaged in these duties Agent Miles has obtained information respecting the Indians who made the murderous assault upon the Hayden surveying party. On this subject he reports as follows:

In relation to the attack made upon the Gardener and Gaunnelle party of the Hayden survey, that James T. Gardener of the party arrived at the Los Pinos Agency the 10th of this month and informed Ouray of the attack and described the individuals making the attack so completely as to be recognized at once by Ouray. It would appear that the party is headed by an old man of Ute, Pah Ute, and perhaps some Navajo blood, and is accompanied by his two or three sons and such other *renegade* Indians as he may be able to draw around him. They have resided for several years in the Sierra la Salle Mountains, refusing to unite with any Indians friendly to the government. Ouray says he met the old man three years ago and *counselled* him to quit his raiding and be friendly to the whites; to this advice the old man replied, "I am not a dog to eat the white man's bread." Before Mr. Gardener left the Los Pinos Agency in July last, Ouray warned him of this old man and his party, said he had been known to murder and steal, and he would do it again if he got an opportunity. Ouray says that he will furnish guides for troops should the government send any to punish the lawless party. I would certainly recommend that such a party be captured and taken from their stronghold, as they cannot do otherwise than exert an unwholesome influence over neighboring Indians, and very likely continue to murder and rob unprotected miners who may chance to pass that way. In this connection I desire to say that the Ute Indians, as a tribe, should not be held accountable for the actions of this band of robbers.

In my judgment Agent Miles' recommendation is eminently wise and practicable. It will be of great benefit to the Indian service if that band of marauders, thieves, and murderers can be captured and punished. Ouray has on several occasions shown not only an entire loyalty to the government, but shrewdness and great ability as an Indian leader. With his aid a small body of cavalry could undoubtedly capture a portion if not all of this renegade party. At least they would be able to punish them so severely as probably to prevent future attacks of this kind. I therefore respectfully recommend that this matter be submitted to the Hon. Secretary of War, with the request that if practicable a body of cavalry may be sent with such guides and

aids as Ouray is ready to furnish to hunt down these outlaws, and, that, if possible, the movement be made at once.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[This report was sent to the honorable the Secretary of the Interior, with communication from Commissioner of Indian Affairs, under date of December 8, 1875; was withdrawn, for copying, from Secretary's files, December 15, 1879; when withdrawn the first page was missing, and cannot be found. Second page as follows:] represented in council by Ouray, Sapuanerie, Peóch, and others. After presenting to them the object of my mission, through the interpreter, E. R. Harris, the following information was obtained from the Ute Indians, and from other sources which I consider reliable, viz:

1st. They claim that the boundary-line on the south side *San Juan Cession* is not located, as agreed upon, between them and the Hon. Felix R. Brunot, as commissioner, at the time the treaty was signed, and in this particular I found it to be the almost unanimous belief of the citizens of that portion of Colorado, that such was a fact. Article 1 of the treaty of 1873, respecting boundaries of the cession, defines the starting point, "at a point 15 miles," &c. In this they claim they were deceived, as they knew nothing of distance as expressed in *miles*, but were reconciled by an explanation that it would not include any agricultural lands. They claim that they never, at any time, nor in any way, agreed to dispose of agricultural lands, nor did the commissioners insist on purchasing any other than mineral lands. The chief who accompanied Thomas K. Cree, to point out the boundaries of the country they proposed to cede, informs that he pointed out to Cree a certain *trail* or *pass*, immediately north of the old settlement or *town-site* of *Animas City*, as being the starting point for the south boundary for the *cession*; this, I understand from surveyors, and other reliable sources, would place the line about 30 miles north of the southern boundary of the Territory of Colorado, instead of 15, as expressed in the treaty, and as I am informed by the Indians, and other reliable sources, excluded the greater portion of the agricultural, and grazing lands, for which they are now contending.

The Indians, at first, remonstrated against the survey of the exterior boundary of the San Juan cession, principally on account of the failure on the part of the government to pay the first instalment, of \$25,000, as required by treaty; but were finally induced to let the lines be located, through the instrumentality of Agent Bond; and Sapivaneu, one of the Ute chiefs, was selected to accompany the party in order that the surveyors might not be interfered with in their work. He accompanied the party "until he saw with his own eyes" that the line was being located at such a point as would embrace at least 15,000 acres of their choicest agricultural lands, and many Indian farms, and other improvements in the cession. He then left the party, fearing that it might compromise the Utes in their protest against the *cession lines*, and for fear of losing his influence in his tribe.

Ouray, with all the chiefs, claims that, had it not been that they had *pointed out* the location for the south line, which was agreed to by the commission, then they would have insisted upon a "provision" similar to that expressed in the north line, in relation to the "Uncompahgre Park." John Lawrence, one of the interpreters, confirms this statement.

2d. The Indians of the Los Pinos Agency positively affirm that they will not now accept of any portion of the pay guaranteed to them by the treaty of 1873, until the boundary lines are located as agreed upon (though not expressed in treaty) between themselves and Commissioner Brunot.

To the question as to "whether or not they have received their proportion of annuity of \$25,000, guaranteed by the agreement," &c., they seemed quite amazed, and were inclined to manifest some indignation at such a question; and informed that although it was promised and due to them one year ago, they had never so much as heard that it was ready, or that the government ever intended to pay it to them; and that the tribe had now decided to refuse to accept any portion of it, should it be offered, until the boundary question is settled.

In view of the instructions contained in the acting commissioner's letter above referred to, as to "whether or not they have received their proportion of the annuity of \$25,000," &c., I was very much surprised myself to ascertain from the Indians and the agent that *no funds* for this purpose have ever been forwarded to them for that purpose. By reference to files in the agent's office at Los Pinos Agency, it appears that on May 26, 1874, Agent Adams forwarded an estimate for *horses, arms, ammunition, &c.*, intended as part pay for the first installment of \$25,000 on the San Juan cession. To this we could find no response. Agent Bond informs that he had renewed the estimate, with perhaps some additions, since he has assumed charge of the agency, with no better success except that an inquiry had been made by the department as to "what papers do you propose to advertise in," &c. It would appear from the appropriation for the fiscal year ending "June 30, 1875," that Congress failed to provide an appropriation of \$25,000 for the first installment on the San Juan cession; and inasmuch as the Secretary of the Treasury could not derive this amount from the bonds "set apart," as provided by said treaty for the *first payment*, this amount would necessarily have to be a *special* appropriation. The present fiscal year I would understand that the bonds will produce the \$25,000.

I speak of the matter of funds, thinking that there might have been an impression that nothing had been promised the Utes for *this cession* during the fiscal year ending "June 30, 1875." The Indians understand that there was, and Ouray, the principal chief of the nation, says (and from information received from all quarters of the Ute reservation, I do not doubt his statement) that the failure of the government to comply promptly with its part of the contract has placed him in a very unenviable situation with his people. They accuse him of having "sold them out" to the whites, and charge him with having received the pay and appropriated it to his own use, and in some cases his life has been threatened on account thereof. Ouray very naturally begins to look about to see who his friends are. He has for many, many years been the firm friend of the whites and of the government, but now he says the government has deceived him and his people, and he hesitates to risk his confidence there longer, and very sensibly, or at least naturally, takes the side of his tribe, and asks that *justice* may be done, and that promptly, too. He says that the ranches burned by the Utes last spring in the Animas and La Plata Valleys was owing to the fact of the boundary question, but that a compromise of some kind had been effected between settlers and Indians, which would avoid further trouble, for the present at least, until it be ascertained what the government will do. In my opinion, the government cannot afford to lose the influence of Ouray in the control of the Utes. Good faith on the part of the

government in a *prompt* compliance with treaty stipulations will regain the confidence of Ouray, and will make his word good in his tribe, and restore him again to his former power and influence, which is more to be desired just at this time than all other considerations with the Utes.

I endeavored to offer a compromise on the south boundary question, but they would consider no propositions whatever. As the matter now stands, I would recommend as a remedy that they be paid *at once*, in cash, the \$25,000 due them from *last year*, and at same time purchase and deliver to them such *animals* and articles as may be considered beneficial for them with the \$25,000 due them this year. Call a general council of the whole Ute tribe at the Ute Agency on the Uncompahgre, and I believe, with the money and the articles now due and past due them paid and delivered on the spot a satisfactory compromise could be effected. I do not wish to be understood as proposing to *compromise* what is just to the Indians on the question of the south line on the cession; but I would recommend that Commissioner Brunot be requested to make a statement in reference thereto, and if it should appear that it was a settled point that the Utes were selling none but mineral lands, and that agricultural lands were specially reserved, then let some one be authorized to negotiate on *favorable* terms for the agricultural lands embraced in the cession along the south line, and that the principal portion of such compensation as may or might be agreed upon be paid to the Indians who own the improvements along the Animas and La Plata Rivers.

It is due to the Indians, and also due to the citizens of Colorado, that a just and satisfactory settlement of this matter be accomplished at once. The San Juan mines are opening up far more favorable than was at first anticipated, and with no counter influences will soon yield a rich harvest in the precious metals. The government has secured the mining country for a mere nominal sum, and now let that sum be paid the Utes promptly and all differences will be settled, and labor and capital will concentrate in the San Juan mines and all branches of industry prosper.

In relation to the attack made upon the Gardener and Gaunnall party of the Hayden survey, James T. Gardener, of the party, arrived at the Los Pinos Agency on the 10th of this month and informed Ouray of the attack, and described the individuals making the attack so completely as to be recognized at once by Ouray. It would appear that the party is headed by an old man of Ute, Pah-Ute, and perhaps some Navajo blood, and is accompanied by his two or three sons and such other *rene-gade* Indians as he may be able to draw around him. They have resided for several years in the Sierra la Salle Mountains, refusing to unite with any Indians friendly to the government. Ouray says he met the old man three years ago and counseled him to quit his raiding and be friendly to the whites; to this advice the old man replied, "I am not a dog, to eat white man's bread." Before Mr. Gardener left the Los Pinos Agency in July last Ouray warned him of this old man and his party, said he had been known to murder and steal, and he would do it again if he got an opportunity. Ouray says that he will furnish guides for troops should the government send any to punish the lawless party. I would certainly recommend that such a party be captured and taken from their stronghold, as they cannot do otherwise than exert an unwholesome influence over neighboring Indians, and very likely continue to murder and rob unprotected miners who may chance to pass that way. In this connection I desire to say that the Ute Indians, as a tribe, should not be held accountable for the actions of this band of robbers.

Respectfully,

JNO. D. MILES,
Special Commissioner.

DENVER, COLO., *October 11, 1875.*

SIR: Referring to an interview between your excellency and Ouray, Chief of the Ute Indians, held in this city October 9, 1875, at which I had the honor to be present in an official capacity, and complying with your direction given at that time, I respectfully represent the following as the causes which led me to solicit that meeting.

First. It is a notorious fact that, notwithstanding the solemn promise made to the Utes in the "Brunot Treaty" of 1873 (ratified by Congress in April 1874), to the effect that they should receive from the government \$25,000 per annum for having ceded to the United States a certain portion of their reservation (more fully described in said treaty), *not one dollar has yet been appropriated* for the purpose referred to.

Secondly. It is claimed by Ouray, and by all his sub-chiefs with whom I have talked, that they have been deceived in regard to the amount and kind of land proposed to be ceded by the "Brunot Treaty," and he specially calls attention to the proviso contained in article 1 of said treaty. This proviso absolutely excludes from the cession all the region known as the "Uncompahgre Valley" and sets it apart as a portion of the Ute Reservation, although it is known now, and was known at the time the treaty was made, that the direct northern boundary line of said cession, as laid down in the treaty, passes through the middle of said valley.

This Uncompahgre Valley, or park, and the valleys of the streams flowing into the San Juan River, in the extreme southern portion of the reservation, comprises all the farming land available for this people within the limits of their present reservation; therefore it is easy to comprehend their solicitude that these regions should be excepted from the provisions of the treaty.

It now appears from indubitable evidence that, in contravention of the articles of said agreement, white settlers have located both in the reserved portion of the Uncompahgre Valley and on the tributaries of the San Juan, heretofore referred to, and although these settlers have been driven out by the agent this summer, Ouray believes that as soon as it is understood that the northern line has been run by the government surveyors, these squatters will return and claim the protection of the government. It may be well to state here that gold has been discovered on the head waters of the Uncompahgre this summer.

Thirdly. About the middle of August, this year, a party of surveyors belonging to the United States Geographical and Geological Survey, known as "Hayden's Survey," were attacked in the Sierra la Salle, or Salt Mountain, Southeastern Utah, by a small band of Indians, and lost (according to their report) four mules, all their instruments, pack-saddles, blankets, and provisions. It was represented by the leaders of the surveying party that the Indians who made the attack were Utes and that they were in the habit of visiting at the Ute Agency, where they obtained arms and ammunition; some of the surveyors going so far as to say that they had met certain members of the attacking party at the agency the year previous. The impression that they were *Utes* seems not only to have been carefully conveyed through the press to the people at large, but, through some means unknown to me, to have obtained with the Commissioner of Indian Affairs. (See copy of press telegram herewith.) This telegram makes Ouray, as chief of the Utes, responsible for the acts of a renegade band of Indians, none of whom belong to any of the tribes of which he is the head, and but one of whom, he assures me, has been at either of the Ute agencies for years; although the tribes to which they belong have always been at peace, and on friendly terms, with the Utes. The *one* Indian, to whom Ouray refers, is named "Nubes

Azul" or "Blue Clouds," and he was at the Los Pinos Agency *one day* early in 1874, from whence he was ordered by Ouray to take his departure as soon as his presence became known to him (Ouray). The surveying party was not at the agency until more than a month later. (See Agent Bond's annual report for 1874, page 92.)

Fourthly. Referring to the fourth article of the "Brunot Treaty," Ouray respectfully asks that the agreement therein made may be fulfilled as soon as possible; and that your excellency may be pleased to make such recommendation as will secure an early appropriation for that purpose. The appropriation of last Congress for that object and for the removal of the Los Pinos Agency was only \$10,000, all, or nearly all, of which will be required to effect said removal and to erect suitable buildings at the new location in Uncompahgre Valley; leaving little or nothing available for the establishment of the proposed agency for the Muache, Weeminuchee, and Capote bands. I think the argument which Ouray uses in this connection is a strong one, viz, that the Indians desire to go to farming and stock-raising, and that the Uncompahgre Valley will not accommodate them all; in fact, that said valley will only be adequate to the support of the Tabeguache band; whereas the three tribes named will find abundance of good farming and grazing land on the tributaries of the San Juan which flow through the southern border of the reservation. A number of Indian families have been for years—and are now—farming in the valleys of the Dolores, the Mancos, and the Animas; and it is certain that many others will speedily follow their example, provided they can be secured in their title to the land and have an agent among them who will guard against encroachments on the part of the whites. Ouray desires that his agent be directed to employ, permanently, some competent person as interpreter in his place. He resigned the position last January; but up to this time the agent has declined to accept his resignation. He says he cannot faithfully discharge the duties of the office owing to the fact that he does not speak English and the agent does not understand Spanish.

Ouray finally asked me to call your excellency's attention to the injustice done to his people through the enforcement of the order requiring all Indians to remain upon their reservations.

The winter hunting-grounds of the Utes are almost entirely off the reservation; especially is this true as regards the region frequented by the buffalo, by the chase of which animal the majority of the warriors support themselves and their families. In support of argument that the Utes should be excepted from the provisions of that order because they are perfectly peaceable, and so nearly support themselves by the chase, I would respectfully state that the appropriation for subsistence of the Utes from year to year is \$25,000, and that this amount, applied upon the basis of the Army ration, would support the 5,000 Utes exactly sixteen and two-third days.

In consideration of the foregoing representations, which I believe to be correct and just, I would be pleased to have an opportunity of communicating to Ouray your excellency's early and favorable reply.

I have the honor to be your excellency's most obedient servant,

JAMES B. THOMPSON,

United States Special Indian Agent.

His Excellency THE PRESIDENT.

[Copy of Associated Press dispatch.]

THE UTE INDIAN TROUBLES.

WASHINGTON, *September 22.*

Commissioner of Indian Affairs Smith sent the following dispatch to Agent Miles to-day in reply to a dispatch received Monday:

Tell Ouray that the Brunot treaty very carefully defines the boundary of the cession, and the surveyors are following that line exactly and must not be disturbed; also that *the President regards the attack upon Hayden's party by the Utes as a violation of the treaty*, and expects *Mr. Ouray* to secure the capture and punishment of the bad Indians, and to recover the valuable surveying instruments which have been lost.

Italics are mine.

JAMES B. THOMPSON,
United States Special Indian Agent.

[Los Pinos Indian Agency, N. F. Bond, agent.]

LOS PINOS, COLORADO, *November 11, 1875.*

SIR: In my letter of October 4, from Pueblo, I respectfully made a requisition for a company of soldiers, to be located at a point between here and the new agency location. No answer has been received. I suspected parties who encamped here last night, and left here this morning, of an intention to pass over the reservation to the headwaters of the Uncompahgre, where a settlement has been made, which settlement will come outside of the boundaries of the reservation when the offset shall be made to include the Uncompahgre Park, which, by the agreement of 1873, should be made.

In the present attitude of affairs here, the Utes sensitive about the said agreement, and about intrusion of the whites, and probably just at this time in council about the whole matter, I did not think it safe to grant them authority to go upon the reservation, and therefore distinctly ordered them not to do so. I shall instruct the employé in charge at the new agency location, C. S. Robbins, to order them back if they are seen to pass through that vicinity. It appears to me that the intention is to defy my authority.

It is such an emergency for which I wish to be provided. After the parties are off of the reservations, though they may have traveled its whole length, nothing, as I understand, can be done to them, and nothing that I know of can prevent frequent recurrences of such trespass but vigilance and force. Perhaps I am mistaken; perhaps there is a penalty for disregarding the orders of a United States officer in the discharge of his duty. At all events, it would seem that the military are much more likely to be in demand here than at Fort Garland. I therefore respectfully renew my requisition, in hope that my warnings to intruders will not prove mere empty words.

I have your favor of November 10, 1874, instructing me to call upon the commanding officer at Fort Garland in cases of intrusions by Indians or whites in the Animas or La Plata districts, and I think I may infer that the authority given may apply to any time and to any part of the reservation or its vicinity; but I complain, as above, that such a call would not meet a transient yet important emergency.

I will say here that I have written to Mr. J. W. Miller that his survey will not be according to the agreement, nor satisfactory to the Utes

unless he includes the whole of the Uncompahgre Park in the reservation, and would respectfully recommend that the survey be not accepted until the proper offset be made.

When he passed through here about two months ago he said he would return after surveying the northern line of the reservation, and make the correction so as to include Uncompahgre Park.

I have the honor to be, very respectfully, your obedient servant,

H. F. BOND,

United States Indian Agent.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a communication dated October 11, 1875, addressed to the President by J. B. Thompson, United States special Indian agent, Denver, Colo., referring to an interview between Ouray, chief of the Ute Indians, and the President, and stating the facts and causes which led to the interview relative to which subject-matter you direct an investigation by some person on the ground and report.

I would respectfully state that under date of August 17, 1875, instructions were sent through Superintendent Hoag to John D. Miles, United States agent for the Cheyenne and Arapahoe Indians, Indian Territory, to proceed to Colorado and make a thorough investigation into the cause of the trouble reported to exist between the Indians and the miners in that section; also in regard to the complaint of the Indians of the Los Pinos Agency of the non-fulfillment of the provisions of the third article of the agreement made with them, September 13, 1873 (known as the Brunot agreement), in which the United States agreed to set apart and hold as a perpetual trust for the Ute Indians a sum of money or its equivalent in bonds sufficient to produce the sum of \$25,000 per annum to be disbursed or invested for the use and benefit of the Indians at the discretion of the President, and to inquire whether or not the Indians had received their proportionate share of this annuity of \$25,000 guaranteed by the agreement referred to. Under date of October 1, 1875, Superintendent Hoag submitted the report of Agent Miles, in which he stated that having met the Utes in council they complained that the boundary line, or the south side of San Juan cession, is not located as agreed upon by Mr. Brunot; that the Indians positively refuse to accept any portion of the pay guaranteed them by treaty of 1873 until the boundary lines are located as agreed upon, though not expressed in the agreement; that so far as receiving any portion of the \$25,000 annuity, they had not even so much as heard that it was ready to be paid them, or that the government intended to pay it to them, and that the tribe had now decided not to accept any portion of it, should it be offered them, before the boundary question is settled.

An examination of the report of the commission to negotiate with the Ute tribe of Indians appointed under authority of the Secretary of the Interior in letter to this office under date of June 20, 1873, and instructions for this office of July 2, 1873, of which commission Felix R. Brunot was a member, discloses the fact that the agreement entered into with

said Indians by Mr. Brunot, dated September 13, 1873, which became a law by the action of Congress and was approved by the President under date of April 29, 1874, was assented to by the Indians. This agreement was signed by Ouray and the principal men with the understanding as appears from the proceedings of council held Saturday, September 13, which says:

Ouray and all the principal men came and expressed a willingness to sign the articles of convention, provided after doing so some of the representative men of the different bands, accompanied by the secretary of the commission, should visit the country sold, and if proved to be mining and not farming land, then all the Indians should sign it; if the reverse was the case, then the agreement should be inoperative as lacking the assent of the necessary three-fourths of the tribe. The articles of convention were then signed by all the Indians present, being the chiefs and headmen of all the bands who had been represented in the councils.

The agreement, as transmitted to the department, appears to be signed by three-fourths of the tribe which is required by the sixteenth article of the treaty with the Utes, proclaimed November 6, 1868, which provides that—

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indian occupying and interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in article seven of this treaty (U. S. Stat. at Large, vol. 15, page 622).

This office is not in possession of any evidence showing as to whether the visit referred to as provided for in the council with the Indians for the purpose of ascertaining the character of the land was ever made, beyond the fact that the signatures of the Indians, which by the understanding were to be attached after this visit, are so attached, and that the agreement was forwarded to the department by Thomas K. Cree, who was designated to make the inquiry.

The proceedings of the council show clearly that it was not the intention of these Indians to cede any farming lands. In confirmation of this, reference is made to the printed narrative of the proceedings of the commission, found on pages 94 and 95 of my annual report for 1873.

It is submitted that the report of Agent Miles gives as full information as can be obtained as to the present state of affairs among the Utes in Colorado.

In this connection, however, the fact should be stated that by the eleventh article of the Ute treaty of March 2, 1868 (15 Stats., 622), the United States agreed to expend for said Indians, annually for thirty years, for clothing, blankets, &c., a sum not to exceed \$30,000; also, by the twelfth article of the same treaty, a like sum was to be expended, for the same period, for beef, mutton, wheat, &c.

Up to and including the fiscal year 1874 this agreement was carried out by Congress, by making the necessary appropriation therefor, but for the fiscal year 1875 Congress appropriated only \$25,000, under the eleventh article, and nothing under the twelfth.

By an act of March 3, 1875, Congress appropriated \$25,795.13 to reimburse the funds of the Utes for the amount expended therefrom in negotiating with said Indians under the act of April 23, 1872 (Brunot commission).

By the third section of act of Congress approved April 29, 1874 (18 Stats., 36, 37), the United States agreed to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall produce the sum of \$25,000 per annum, which shall

be disbursed or invested for the use and benefit of said Indians annually forever.

The amount derived under said act up to July 1 last is \$29,315.07. Of this sum, \$5,000 was remitted to Agent Bond February 3, 1875; \$19,927.28 was expended for supplies, clothing, &c.; and \$4,387.79 still remains to the credit of the Indians on the books of the office.

The expenditure of this sum of \$19,927.28 for supplies, clothing, &c., was occasioned by the fact above stated, that Congress, in violation of the agreement of September 13, 1873, failed to make the usual annual appropriation for subsistence under the twelfth article of the treaty of 1868, as represented in my report of January 7, 1875, and it was necessary to use these funds in the purchase of supplies to meet the immediate necessities of the Indians.

There is also on the books of the office to their credit the following sum, viz:

For 1873 and prior years, eleventh article treaty	\$16,707 20
For 1773 and prior years, twelfth article treaty	16,493 69
For 1875, balance of fund for reimbursement	20,075 60
And balance under act of April 29, 1874, as above	4,387 79
Total	57,664 28

There is also a balance of the appropriation for said Indians for the present fiscal year, which, however, is required for current expenses.

There will be due January 1, 1876, interest amounting to \$12,500, under the act of April 29, 1874.

There is no objection to expending any or all of the above amount of \$57,664.38 for the immediate benefit or relief of the Utes in case they are willing to receive the same.

The understanding of the Indians as to the character of the land to be ceded by them, and the fact that the cession embraces agricultural lands, presents a case that is somewhat difficult of solution.

The report of the survey of the northern line of this cession has not been received at this office, and until the same shall have been received no definite statement can be made as to the character of the land excluded from the reservation thereby.

But in case it should be established when the surveyor's returns have been received, that the Utes are deprived of farming-lands, which it was not their intention to cede, I should be in favor of asking legislation of Congress giving them in lieu thereof an adequate money indemnity.

This matter, however, will form the subject of a future report, whenever the surveyor's returns shall be filed.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

BUREAU OF INDIAN AFFAIRS,
SPECIAL AGENCY,
Denver, Colo., December 15, 1875.

SIR: Respectfully referring to my report of October 11, 1875, furnished and forwarded at your request, I would suggest that early action be taken by the proper department as regards the rights of the Ute Indians in this Territory under the celebrated "Brunot treaty."

I would especially call your excellency's attention to the encroachments of white settlers upon the Uncompahgre Valley.

Very respectfully, your obedient servant,

JAMES B. THOMPSON,

United States Special Indian Agent.

His Excellency THE PRESIDENT.

SAGUACHE, COLO., May 24, 1876.

SIR: I have several times called the attention of the Commissioner to the fact that the survey of the land ceded under the Brunot agreement has not been completed. I would respectfully call your attention to the matter again.

Under the Brunot agreement of 1873 the Uncompahgre Park was to belong to the Utes, and an offset to be made in the survey, if necessary, in order to include it on the Indian side of the line. When Mr. Miller stopped at the agency, on his return from that survey, I spoke to him about it, and he proposed to return to the work before he reported at Washington. Subsequently I wrote to the Commissioner that it seemed to me that the survey ought not to be accepted before that offset was made. The question has been put to me very frequently whether any of the Uncompahgre Park belonged to the government, and I have as frequently stated that none of it did or could under the agreement.

Now I learn that settlers are going there, and I am sure it will give dissatisfaction to the Indians. Please inform me if the survey is considered complete and the contract of the surveyor is fulfilled, and if the government does not intend to abide by the terms of the agreement in regard to this tract of land. Shall I allow the settlers to remain there, or may I expect the surveyor soon to do the work? Or must the boundary still be considered unsettled, to the annoyance of the Indians? To whom belong the springs?

I have the honor to be, very respectfully, your obedient servant,

H. F. BOND,

United States Indian Agent.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

LOS PINOS AGENCY, COLORADO, July 4, 1876.

SIR: I would respectfully call your attention to my letter of May 24 in regard to Uncompahgre Park, which, by the Brunot agreement, should belong to the Utes; according to the survey as now made a portion of the park is left outside of the reservation. The Indians feel that it is unjust that it should be so, and so it seems to me. I asked in the letter referred to if the survey was completed and accepted, and if nothing more was to be done in the matter; as I have received no notice of the survey being completed, I supposed it was not.

I have the honor to be, very respectfully, your obedient servant,

H. F. BOND,

Indian Agent.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 19, 1876.

SIR: I have the honor to submit herewith copies of two letters dated May 24 and July 4, 1876, from H. F. Bond, United States Indian agent, respecting the survey of the boundaries of the late cession of a portion of the Confederated Ute reservation in Colorado, and to request to be furnished with such information respecting this survey as will enable this office to make proper answer to the inquiries of the agent.

The agreement of 1873 expressly provides that if any part of the Uncompahgre Park shall be found to extend south of the north line of said cession, the same is not intended to be included therein, and is reserved and retained as a portion of the Ute reserve. Agent Bond alleges that the valley (Uncompahgre Park) does extend south of the line run, by your direction, the past season. If such is the fact, what action was taken to exclude the same from the lands ceded by the agreement?

Very respectfully, your obedient servant,

S. A. GALPIN,
Acting Commissioner.

The Hon. COMMISSIONER GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 24, 1876.

SIR: I have the honor to acknowledge the receipt of a letter from your office of the 19th instant, inclosing copies of two letters from H. F. Bond, United States Indian agent, in regard to the survey of the boundaries of the late cession of a portion of the Confederated Ute Indian reservation in Colorado, and requesting to be furnished with such information as will enable you to make proper answer to the inquiries of the agent.

The agent represents that a part of the Uncompahgre Park is upon the south side of the northern line of said cession, whereas the agreement made by Felix R. Brunot with the Utes September 13, 1873, and ratified by act of Congress approved April 29, 1874, contains the following provisions, namely: "That if any part of the Uncompahgre Park shall be found to extend south of the north line of said country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation."

The survey of this cession was executed by James W. Miller under his contract dated October 3, 1874.

In the instructions given him his attention was specially called to the provision above quoted in regard to Uncompahgre Park, and he was directed, if necessary, to offset to the south to exclude said park, and to do so sufficiently to exclude all the park, and when he made return of the survey he was verbally interrogated in this office in regard to this subject. He stated that there was no one with him to designate the park, that the Indians or agent did not appear for this purpose, and that he believed said park was north of the surveyed line, and he brought to the office a former agent of these Indians, who stated that the park referred to was north of the line as run. The head of the Uncompahgre River is within the cession, and it flows northwestwardly. An examination of the map of the survey by Mr. Miller shows a large valley of the

Uncompahgre River and a tributary north of this line, which was understood to be the park in question. There is nothing in the topography of the map that indicates that a park has been traversed by the north line of the cession, unless the narrow valley of the Uncompahgre River should be so regarded.

In view, therefore, of these facts, the survey by Mr. Miller was approved, and payment in full was made to him therefor.

I have the honor to be, very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 26, 1876.

SIR: Referring to your letters of the 24th of May and the 4th of July last, touching the survey of the north boundary of the late Ute cession, executed by James W. Miller, esq., you are advised that the survey in question has been completed, and the returns approved by the General Land Office. The line thus run by Mr. Miller is held by the department to be the established boundary line between the Ute reservation and the ceded lands, and must be respected by both settlers and Indians.

I inclose herewith, for your information, a copy of the decision of the Commissioner of the General Land Office, dated the 24th instant, upon this question.

Very respectfully,

J. Q. SMITH,
Commissioner.

H. F. BOND, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 12, 1876.

SIR: By the first article of an agreement made September 13, 1873, between the United States and the Ute Indians (18 Stats., p. 36), there were ceded to the United States certain lands therein described, provided, "That if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation."

The survey of the boundaries of this cession was made by J. W. Miller in 1875, and approved by the General Land Office January 17, 1876.

The north line of this cession, as run by Mr. Miller, throws a large portion of the Uncompahgre Park within the cession, in violation of this agreement, and the Indians, through their agent, Mr. Bond, protest against its establishment as the north boundary of said cession.

Mr. Miller was instructed as to this provision of the agreement, but his field-notes and plats do not indicate that he touched or traversed any valley of the nature of a park, and as there were no Indians present, though invited by this office to accompany him, to point out to him the location of the park, he was unable to report its location.

In view of the fact that the survey has been made and the returns approved by the General Land Office, and the absence of any protest on the part of the Indians prior to the approval of said returns, and the lack of funds to survey by offset the land now claimed by the Indians to be a part of the park south of this line, and exempted in the agreement from the cession, I have the honor to recommend that the President be requested to issue an order withdrawing the land claimed as a part of the park from the public domain, and setting apart the same as a part of the reservation, in accordance with said agreement.

I have the honor to submit herewith a draught of such order.

Very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1876.

SIR: I have the honor to request the signature of the President to the inclosed draught of an executive order extending the boundaries of the Ute reservation in Colorado so as to contain the Uncompahgre Park, in accordance with the agreement made by the United States with the Ute Indians September 13, 1873.

Very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, August 18, 1876.

SIR: I return herewith, signed by the President, the draught of an executive order extending the boundaries of the Ute Indian reservation in Colorado so as to contain the Uncompahgre Park, which was submitted with your letter of the 12th instant.

Very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

EXECUTIVE MANSION, *August 17, 1876.*

It is hereby ordered that all that portion of country in the State of Colorado lying within the following-described boundaries and forming a part of the Uncompahgre Park, namely, commencing at the fifty-third mile-post on the north line of the survey of the boundaries of the Ute cession, executed by J. W. Miller in 1875; thence south four miles; thence east four miles; thence north four miles to the said north line; thence west to the place of beginning, be, and the same hereby is, withdrawn from the public domain, and set apart as a part of the Ute Indian reservation, in accordance with the first article of an agreement made with said Indians, and ratified by Congress April 29, 1874. (Stats. at Large, vol. 18, p. 36.)

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 21, 1876.

SIR: I inclose herewith, for information and files of your office, an executive order extending the boundaries of the Ute Reservation so as to contain the Uncompahgre Park, in accordance with the agreement made by the government with the Indians September 13, 1873.

Very respectfully,

S. A. GALPIN,
Acting Commissioner.

H. F. BOND, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 21, 1876.

SIR: I have the honor to advise you that the boundaries of the Ute Reservation in Colorado have been extended so as to contain the Uncompahgre Park, by the order of the President, of which the following is a copy:

EXECUTIVE MANSION, August 17, 1876.

It is hereby ordered that all that portion of country in the State of Colorado lying within the following-described boundaries and forming a part of the Uncompahgre Park, viz, commencing at the 53d mile-post on the north line of survey of the boundaries of the Ute cession, executed by James W. Miller in 1875; thence south four miles; thence east four miles; thence north four miles to the said north line; thence west to the place of beginning, be, and the same hereby is, withdrawn from the public domain, and set apart as a part of the Ute Indian Reservation, in accordance with the first article of an agreement made with said Indians, and ratified by Congress April 29, 1874. (Statutes at Large, vol. 18, page 36.)

U. S. GRANT.

Very respectfully, your obedient servant,

S. A. GALPIN,
Acting Commissioner.

The Hon. COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 18, 1876.

SIR: I have the honor to acknowledge the receipt, by reference from the department, of a letter addressed to the President by William W. Stoddard and others, residing in that portion of the Uncompahgre Valley withdrawn from the public domain by the President's order of August 17, 1876, stating that, prior to the date of the order, and relying upon the survey of the boundary of the ceded land by the United States, they settled upon and improved the lands so reserved; and, on account of the hardship caused by reservation, they ask that the lands may be released, or that, if compelled to remove, they may secure the prior right to enter the lands if they should hereafter be restored to the public domain.

For the information of the department in the matter, I have the honor to inclose herewith copy of a letter from this office, dated July 24, 1876,

to the honorable Commissioner of Indian Affairs, containing a statement of facts in regard to the survey of the north boundary of the Ute cession.

This office has no data from which it can ascertain certainly whether any part of the Uncompahgre Park lies within the limits of the survey made by Deputy Miller or not.

All of the testimony which I have in regard to the location of said park tends to establish the fact that it is situated farther down the river and north of the north line of the survey. I would, therefore, respectfully recommend a revocation by the President of his proclamation of the 17th day of August last, which withdraws from settlement the lands upon which the petitioners have settled.

The letter from Mr. Stoddard and others is herewith respectfully returned.

I have the honor to be, very respectfully, your obedient servant,
J. A. WILLIAMSON,
Commissioner.

Hon. Z. CHANDLER,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 28, 1876.

SIR: I have the honor to acknowledge the receipt, by reference for report thereon, of a communication from the Commissioner of the General Land Office, under date of the 18th instant, respecting the order of the President, dated August 17, 1876, reserving for Indian purposes certain land in Colorado which the Indians claim to be a part of the Uncompahgre Park, in which he recommends a revocation of said order.

I cannot concur in the recommendation. The proceedings of the council which resulted in the late cession, as given in the annual report of this office for the year 1873, pages 83-113, show clearly that the Indians intended to surrender only the hills and the mountains that contained minerals, and none of the bottom or agricultural lands. Their intention was recognized and acknowledged by the government by its embodiment in the first article of the agreement made September 13, 1873, and a proviso, which is as follows:

Provided, That if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute Reservation.

It seems to me that other and stronger evidence than the simple declarations of Mr. William W. Stoddard and his twenty-three coadjutors should be submitted in support of the Commissioner's recommendation.

The facts of the case, as they have reached me, are as follows:

The Indians, as soon as apprised of the location of the line surveyed by Mr. J. W. Miller, made inquiry through their agent, H. F. Bond, esq., whether Mr. Miller had completed the survey, or intended to run another line around a certain hot spring near the Uncompahgre River and south of the line already run, which they were unwilling to yield, and was reserved to them in the agreement as provided in the first article above quoted, and should be held as a part of their reservation. As specific instructions had been issued to Mr. Miller to make an offset if he should find any part of said park to extend south of the north line of said ces-

sion, so as to retain it within the Indian reservation, no reply to this inquiry could be given by this office until advised of the action of Mr. Miller, and the returns of his survey had been furnished the General Land Office.

The first and only information received upon the subject was the letter to this office of the 24th of July last, a copy of which is furnished you by the Commissioner with his report of the 18th, which was to the effect that the survey was completed, the returns approved, and the line run would be held as the northern boundary of the cession. When advised of this action, so pronounced were the demonstrations of disapproval by the Indians, that, after a personal interview with their agent, Mr. Bond, it was determined to recommend the issuance of an order by the President to reserve from the public domain the land in question which embraced the spring referred to.

This course was held to be the only one that could be adopted, after being informed that the survey of Mr. Miller had been approved and Mr. Miller released from his contract by the payment of his account, and for the further reason that no funds were at the disposal of the department to pay for an additional survey of the land claimed by the Indians and received as a part of the Uncompahgre Park.

If this office, or the present Indian agent at Los Pinos, had been consulted, instead of a former agent (who was taken to the General Land Office by Mr. Miller), as to the question whether "any part" of the Uncompahgre Park was south of the line run by Mr. Miller, the necessity for this executive order would probably not have arisen.

Had this course been adopted, Mr. Miller's contract would not have been, in my opinion, approved without making an offset to embrace the hot spring in controversy. Mr. Stoddard would also have been relieved of his present embarrassments, which he has brought upon himself and his friends by such hasty action in making improvements upon lands that they must have known would be contended for by the Indians.

In the report recommending the issuance of this order more land was embraced than was desired. This, however, was inevitable, in the absence of any facts that would justify a smaller area of land with any degree of assurance that it would embrace the spring and a reasonable quantity of agricultural land surrounding it to prevent it from trespass. No objections will be made to any reduction of the area, when satisfactory descriptions of land are furnished that will cover the spring and sufficient surrounding agricultural lands.

Believing from the evidence at hand that the land claimed by the Indians is a part of the Uncompahgre Park, and clearly reserved to them by the aforesaid agreement, I must adhere to my former recommendation of the 12th of August last, and insist that if the government proposes to carry out in good faith the terms of that agreement, the rights of the Ute Indians be protected through Presidential order of the 17th of August last, though Mr. Stoddard and friends be impoverished thereby.

In reply to Mr. Stoddard's appeal to the President, that he had "*long prior* to your (his) proclamation entered upon, possessed, and improved a large portion of the same," it is proper to state that Mr. Stoddard had no right to enter, possess, and improve any land in that locality prior to the approval of the survey of the northern boundary of the cession. He is, by his own showing, an intruder, who should not be permitted to take advantage of his own wrong. Certainly, this office cannot be charged with delay in endeavoring to protect the rights of the Indians upon being advised of the facts.

The communication of the Commissioner of the General Land Office, with inclosures, is herewith respectfully returned.

I have the honor to be, very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

LOS PINOS INDIAN AGENCY, COLORADO,

December 9, 1876.

SIR: Referring to the proclamation of the President of the United States dated August 17, 1876, in which a certain tract of land four miles square, at the upper end of the Uncompahgre Valley, was ceded to the Ute tribe of Indians, I have to say that most of the settlers on what is supposed to come within the boundaries of said tract are unwilling to vacate their respective ranches or locations until the lines have been established. Some of them are in doubt as to whether they are on or off the present reservation, and I apprehend it will be difficult to convince them upon this point until the boundaries are officially determined. The Indians are clamorous to have them leave, but I have so far kept them quiet by promising them that the settlers shall be made to vacate next spring.

I have also given the settlers (those of them I have seen) to understand, verbally, that if they will quietly go away in the spring, they shall not be molested during the winter. Most of them express a willingness to accept the situation. There will be one or two stubborn cases. In view of the fact that I cannot myself act understandingly in the premises until I know the actual boundaries, I respectfully suggest that such action be taken by the department as will cause the survey to be made as soon as possible. If, in accordance with the custom of the department, it can be done by a deputy United States mineral surveyor, at a trifling expense, there is one now here, Mr. Charles A. Wheeler, recently appointed by the surveyor-general of this State, and whom I know to be fully competent to perform the service. I would like an official copy of the proclamation referred to herein for the use of this office. Such a copy was received here just before my arrival, and shown me by the late agent, Bond, but upon my return from Denver it could not be found among the files of official papers left by him. Whether Mr. Bond took it with him by mistake or it has been lost I am unable to say, but it is quite important that there should be a copy here.

I have the honor to be, very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

January 6, 1877.

SIR: In compliance with your request of the 9th ultimo, I transmit herewith, for the files of your office, another copy of an executive order

dated August 17, 1876, withdrawing certain lands in the State of Colorado from the public domain, the same being a part of the Uncompahgre Park reserved by the Indians in the Brunot agreement of September 13, 1873.

There are no funds at the disposal of this office for the payment of a survey of the out-boundaries of this addition to the reserve; consequently, your request for a survey cannot be complied with.

Very respectfully,

J. Q. SMITH,
Commissioner.

W. D. WHEELER, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

LOS PINOS AGENCY, COLORADO,
January 26, 1877.

SIR: Referring to your communication of the 6th instant, "L," I beg leave to say that when I made the request for a survey of the Uncompahgre Park, I did not expect that your office had any funds that could be used for such a purpose, but supposed the matter would be referred to the General Land Office for their action. If, however, I was mistaken in this, and the survey cannot, as you say, be made, then I would ask, shall I go ahead and attempt to remove the settlers, first, of course, satisfying myself as nearly as possible where the lines will be located whenever a survey is made?

Very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 28, 1877.

SIR: In reply to your letter of the 26th of January last, respecting the removal of settlers on that portion of the Ute Reservation declared by executive order of August 17, 1876, you are instructed not to interfere now with the miners and settlers, except to advise them to make no further improvements thereon.

You will also advise your Indians to refrain from any conflict with them respecting the limits of their land, pending an investigation of the case by an inspector, who is now under orders, or a proper adjustment of the boundary question by actual survey, unless, in your opinion, the rights of the Indians would suffer by such delay.

Very respectfully,

J. Q. SMITH,
Commissioner.

W. D. WHEELER, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

LOS PINOS INDIAN AGENCY, COLORADO,

April 9, 1877.

SIR: I have the honor to inclose a copy of the form of notice which I have given to about twenty squatters upon the so-called "Uncompahgre Park," the same being the tract of land referred to in an executive order dated August 17, 1876.

Up to this time only one of the parties has left; of the balance, several of them have notified me personally that they shall not leave until forced so to do at the point of the bayonet. They all very well understand that they are upon the tract in question, as I went in person with a civil engineer and run the line through the center of the park, that I might know where the southern line of the 4-mile square would cross the park. Most of the parties interested were present, and stated that my survey agreed with one which they had caused to be made.

As the necessary force to remove them in the peculiar way which they seem most to desire is not just now available, and having, as I believe, impartially performed my duty thus far as between white *trespassers* and the Indians under my charge, I now beg leave to ask for specific instructions as to any further action on my part which may be expected or required of me in the premises.

I am, sir, very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

LOS PINOS INDIAN AGENCY, COLORADO,

March 10, 1877.

SIR: I inclose herewith a copy of a proclamation of the President of the United States dated August 17, 1876, concerning a tract of land known as the Uncompahgre Park, the same being a part of the Ute Reservation.

Believing that you are a squatter on said tract, I have to request that you leave the same on or before April 1, 1877, and remain off until said reservation shall become public domain. Your failure to comply with this request will necessitate action on my part extremely unpleasant, and by no means beneficial to your best interests.

I am, sir, very respectfully,

D. W. WHEELER,
United States Indian Agent.

W. W. STODDARD, Esq.,
Ouray County, Colorado.

See article 2 treaty of 1868, reaffirmed by article 5 treaty of 1873.

LOS PINOS INDIAN AGENCY, COLORADO,

April 11, 1877.

SIR: I am in receipt of your letter of the 28th ultimo, "L," and in reply beg leave to refer to my letter of 9th upon same subject, which shows my action in the matter up to the present time.

To advise the settlers to make no further improvements would be little better than "throwing pearls before swine."

I shall, of course, make no further attempt to remove them, and I have no fears that the Indians will make any trouble, for a while at least, although I had assured them during the winter that in the spring the trespassers should be made to leave.

I believe the rights of the Indians will suffer every day's delay, but as the matter is soon to be investigated by an inspector, I shall do my best to keep them quiet, and let the squatters take care of themselves.

I am, sir, very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

LOS PINOS INDIAN AGENCY, COLORADO,
January 2, 1877.

SIR: I inclose herewith copy of a letter sent to Messrs. Mayall & Morrison, November 15, 1876, which will explain itself. I have since seen Mr. Mayall, one of the partners. He acknowledged having received the letter, and said he was doing the best he could to keep their cattle off the reservation; but instead of keeping them off, they are daily crowding down closer to the agency and overrunning our regular cattle range, where the cabin was built for the use of the herders, and by far the best locality for the agency herd. I am now fully convinced that they do not *intend* to keep their cattle off, but to let them scatter among the agency stock, and when they "round up" in the spring gather in (steal) all they can of government cattle. Their reputation, where best known, is that of notorious cattle thieves. They came on to the reservation in October last with a herd of about 500 cattle, passing the agency during my absence, and moving toward the town of Ouray, 25 miles distant.

They knew before they came here that there was no range for so large a herd of cattle without trespassing upon the reservation. They also knew that the agency had a large number of cattle, *not branded*, which were running at large *very wild*, and that with the present limited force it would be impossible for us to gather them in so as to keep them separate from their herd. I was warned of the scheme on my way to the agency, and found that it was common talk among those who knew these parties, but I believed nothing of it until compelled to; but having watched their movements since my return to the agency, I now fully believe that their object is plunder from the government; at all events they are trespassers, and should be treated as such.

Having given them timely notice by my letter of November 15, and they paying no heed thereto, I have now to ask instructions as to what further action it is my duty or privilege to take. I have not sufficient force at the agency to forcibly remove them from the reservation.

In my opinion there are but two effective remedies, either of which will rid us of the nuisance: 1st. A detachment of cavalry in charge of one efficient officer. 2d. Give the Indians leave to kill all the cattle they find on the reservation not belonging to the agency. The latter would be harsh, but well-deserved treatment. The cavalry will be needed to clear the four miles square receded by the President to the Utes August 17, 1876.

While most of the settlers on the area in question will quietly leave when told they *must*, there are a few who profess not to fear even United

States soldiers, and say that if driven off by them they will go, and quietly wait until the soldiers leave and then return. With such men to deal with, strong and decisive action is the only course that will avail. I therefore hope for an early reply to this letter, giving me definite instructions as to what course to pursue in the matter.

Very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

LOS PINOS AGENCY, COLORADO,
November 15, 1876.

GENTLEMEN: Upon my return to the agency I learn that you are grazing a herd of cattle upon the reservation, and especially on portions required for and constantly occupied by the agency herd.

I can but believe that you are well posted as to the law relating to trespassing upon Indian reservations. I have, therefore, to request you to immediately remove your cattle and horses from the reservation. Your failure to comply with this request will necessitate further action on my part.

Respectfully yours,

W. D. WHEELER,
United States Indian Agent.

Messrs. MAYALL and MORRISON,
Ouray, Colo.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1877.

SIR: I have the honor to inclose herewith copies of letters received from United States Agent W. D. Wheeler, of the Los Pinos Agency, Colorado, in relation to cattle of Messrs. Mayall and Morrison, which are overrunning the cattle range of the Los Pinos Reservation. The agent states that he has given the requisite notice to the owners, but that they take no steps to remove the cattle; that they are men of bad character, and, from reliable information, he is convinced that it is their object to let their cattle run with the government herd until spring and then gather up with their own cattle as many as they can of those belonging to the government.

It is respectfully recommended that the communication referred to be transmitted to the honorable the Secretary of War, and that he be requested to have the necessary orders issued to the commandant of the nearest military post to the agency to co-operate with the agent in removing the cattle from the reservation.

Very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1877.

SIR: Acknowledging the receipt of your letter of the 2d instant in relation to the cattle brought upon the reservation by Mayall and Morrison, you are advised that copies of your communications were this day forwarded to the honorable the Secretary of the Interior, with the recommendation that the Secretary of War be requested to cause the necessary orders to be issued to the commandant of the nearest military post to the agency, to co-operate with you in effecting the desired removal.

Very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

W. D. WHEELER, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington D. C., February 8, 1877.

SIR: I have the honor to acknowledge the receipt, by department reference for report, a communication from C. H. McIntyre, esq., dated House of Representatives, Denver, Colo., January 8, 1877, addressed to Hon. J. B. Chaffee, and by him transmitted to you with indorsement thereon by himself and Representative Belford, touching an executive order issued August 17, 1876, withdrawing a tract of land, four miles square, from the public domain, it being a part of the Uncompahgre Park, lying south of the north line of the cession named in the Brunot agreement of September 13, 1873, with the Ute Indians, ratified by act of Congress, approved April 29, 1874, which tract was reserved and retained as a portion of the late Indian reservation (Stat. at L., vol. 18, p. 37).

This order was made upon recommendation from this office under date of the 12th of August last, and my views as to the right of the Indians to this tract of country are fully set forth in office report of the 28th of October last, to which I respectfully refer.

It is not denied that Mr. Miller made returns of his survey of the boundaries of the Ute cession which have been approved by the department; but I cannot accept Mr. McIntyre's conclusion that this fact works an extinguishment of the Indian title beyond any remedy. It is maintained, however, that, inasmuch as the agreement provided for the reservation and retention of any part of the Uncompahgre Valley from south of this north line, and as it was universally known that the Indians claimed not to have ceded any of the agricultural lands or valleys within their reservation (this valley being identified by a certain hot spring therein, was specially claimed as belonging to them), this office should have been consulted prior to the issue of any definite order touching the settlement of this boundary question.

As that was not done, action was taken to supplement this omission by the issue of this executive order, and, in my opinion, justice and right demand that this protection should be extended to these Indians.

The settlers claim that this valley is the only agricultural land within 100 miles capable of furnishing supplies to the miners.

This is their misfortune. The Indians never intended to cede any of

their agricultural lands. Had there been no valley south of this line, would this fact (the absence of agricultural lands) have justified miners in trespassing upon valleys north of the line to obtain their supplies and locate their improvements thereon?

I see no way whereby the desire of the settlers can be granted, unless Mr. McIntyre, with a view to the modification of said order, can furnish this office with a descriptive diagram showing the boundaries of a tract that will be satisfactory to the Indians, and at the same time not embrace any of their alleged improvements, inasmuch as the executive order covers a larger area of land than was claimed by the Indians, but not more than was deemed necessary to protect them in the use of the spring and occupancy of adjacent lands, without an additional survey, for which there were no funds available.

The communication of Mr. McIntyre is herewith respectfully returned.

I have the honor to be, very respectfully, your obedient servant,

S. A. GALPIN,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WAKEFIELD, MASS., *February 22, 1877.*

SIR: The inclosed scrap was cut from the Silver World, a paper published at Lake City, one of the mining towns of Colorado nearest to Los Pinos Agency. The "four-mile strip" is the tract set apart to the Indians, in accordance with the agreement of 1873, by a proclamation of the President, at my solicitation, last summer. It should have been secured to the Utes by the survey which was made under the agreement, and thus have been beyond the reach of the President's revocation. I write this in the supposition that the matter will be referred to you for your recommendation, and with the hope that what clearly appears to me justice will be done to the Utes, and that my services in their behalf will not come to naught.

I have the honor to be, very respectfully, your obedient servant,

H. F. BOND,
Late Indian Agent.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

(Scrap.)

In a letter received from him Tuesday, Senator Chaffee informs us that he has a statement pending before the President in regard to the four-mile strip claimed by the Utes, and hopes to get it declared as being ceded to the United States; also that some base lines will be extended west through the San Juan country, so that mineral locations can be made. He has introduced a bill to authorize the purchase of a site for a public building at Denver.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 19, 1877.

SIR: I have the honor to acknowledge the receipt, by department reference for report, of a communication from Hon. J. B. Chaffee, submitting

for examination and decision a letter from C. H. McIntyre, dated March 1, 1877, relative to that tract of land in Colorado covered by executive order dated August 17, 1876, the same being accompanied by a petition from sundry citizens interested in the San Juan country, who desire the cancellation of the order.

The views of this office upon this question are embodied in reports to the department bearing dates of October 28, 1876, and February 8, 1877, and I see nothing in these papers to induce any change in them. Mr. McIntyre would intimate that in fixing the limits of the "Brunot" cession of 1873 only the wishes of the Indians have been consulted. Inasmuch as the Indians desire only a faithful execution by the government of the "Brunot" agreement, which makes explicit reservation of any portion of the Uncompahgre Valley south of line named in said agreement as the northern limit of said cession, I trust Mr. McIntyre's intimation will prove correct.

The Indians made prompt and clear protest against the acceptance of the line as fixed by the surveyor, and their claim is entitled to consideration. Whether some later claims, which have not yet reached this office, are equally well founded, is a question entirely different.

The only question involved is whether the ignorant or intentional conduct of a surveyor in departing from his instructions, such conduct being promptly repudiated, not only by this office but also by the Indians, shall be permitted to so injure rights of Indians which have been guaranteed to them by a solemn treaty as to create much dissatisfaction and possibly open outbreak. I trust not, and hope further that not only may the executive order in this matter stand, but that the rights given by it to the Indians may be fully and promptly secured to them if necessary by such power as may be at the command of the President.

An inspector is now under orders to visit that agency, and he will make due inquiry in regard to the controversy.

The communication of Senator Chaffee is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

To the President of the United States:

SIR: I desire to call your attention to the condition of affairs at the Los Pinos Agency, in Colorado. Mr. Miller, who ran the lines of the reservation, ran the same as he understood he was required by the terms of the treaty. The line so run was established and monuments set up; and when it was so established the settlers of that section moved on what they supposed was government land, inasmuch as it was outside of the survey. After a large number of persons had settled in a small valley near the line, yet not included in the reservation, the President, on the hypothesis that this valley ought to have been included in the reservation, declared that four miles square should be excluded from settlement. This included not only the agricultural land then occupied by settlers, but some mineral land, also occupied by the miners of that vicinity.

The small valley included in the four miles square, excluded by proclamation of the President, is not at all necessary for the Indians, but is very important to the inhabitants of that section, as it is the only ground in the immediate vicinity of Ouray where vegetables can be raised.

The settlers claim that inasmuch as it was not included in the reservation at the time they commenced to occupy it they ought not to be disturbed; and it appears to me there is great force in the claim. The agent, Major Wheeler, has now notified the settlers to leave, and, I understand, declares if they do not they will be removed.

I cannot think any harm will be done or any ill-feeling created among the Indians if the settlers are allowed to remain until the four miles square can be detached from the reservation. It is quite necessary for the well-being of the settlers and the inhabitants of the new town of Ouray that the small valley containing at most two or three hundred acres of agricultural land should be cultivated during the coming summer.

I am confident if Major Wheeler is allowed to exercise his discretion in the matter he will not disturb the settlers. I hope the order to remove the settlers (if any such has been made) will be revoked until the matter can be thoroughly understood. I would respectfully call your attention to what was said by Agent Bond about this matter in his report of September 30, 1876.

Very respectfully,

H. M. TELLER.

[H. M. Teller. Williard Teller. Law office of H. M. & W. Teller.]

CENTRAL CITY, COLO., *April 20, 1877.*

SIR: I desire to call your attention to the matter of the settlers on the Uncompahgre Park, claimed to be within the limits of the reservation of the Utes in Southern Colorado.

You will notice by reference to the report of the Indian Agent Bond, September 30, 1876, that a change had been made in the lines of the reservation as first run by Miller, the surveyor.

As first run it did not include certain lands which were susceptible of cultivation in the vicinity of the town of Ouray. As I understand, the line was run and monuments put up, and after that was done a number of families settled in a small valley called the Uncompahgre Park, near Ouray. It was afterward thought that this valley ought to have been included in the reservation, and by order of the President it was so included. These settlers, who are poor, are now notified by the agent, Major Wheeler, to leave, and that if they do not, that he will put them out.

I addressed Major Wheeler some time ago, asking him to postpone action until he should receive instructions from the department at Washington. This he declines to do, and in rather an offensive manner declares he will remove the settlers, &c. About three weeks ago I addressed the President on the subject, but have heard nothing in reply. I am desired by the citizens in that vicinity that no trouble will grow out of allowing the settlers to remain on this part of the reservation, and as most of the settlers went on the land in good faith, I think they ought not to be disturbed until it is apparent that their presence will create mischief, or until it can be definitely ascertained that this valley cannot be procured from the Indians.

The town of Ouray, which is a new and lively mining town, is dependant to a great extent for its supply of fresh farm produce on the settlers in this valley; at least it is so represented to me by citizens of Ouray who have no other interest in the settlement of this park.

If these settlers had gone on the reservation with a full knowledge

that it was a part of the reservation, I should have little sympathy for them, but this is not the case.

I understand that the construction of the treaty by Surveyor Miller is the construction that was put on it by the settlers, and they certainly had reason to suppose after lines have run and the monuments fixed, that the reservation was definitely located.

In view of the fact that these settlers have expended, some of them at least, all of their property in building their homes on the land, I ask you to interfere, and allow them to remain this season, even if they are compelled to remove this fall.

If anything is done in the matter it should be done at once.

Respectfully, &c.,

H. M. TELLER.

Hon. CARL SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 30, 1877.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, calling my attention to the matter of the settlers on the Uncompahgre Park, claimed to be within the limits of the reservation of the Utes in Southern Colorado, and requesting that they be allowed to stay through the coming season, &c.

In reply, I would say that the first article of the agreement between the United States and the Utes, whereby the cession of the land from their reservation was obtained, provides: "That if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein and retained as a portion of the Ute Reservation." (See Art. 1, Ute agreement, Stats. 18, p. 37.)

Although the Indian title will thus be seen to have been continuous and unbroken, yet, as the position of the settlers is one of hardship, which they may have innocently taken, I have concluded, in view of the statements made by you, to allow them to remain undisturbed for six months, in order that they may have ample time to get their crops gathered and prepare to move. It must, however, be understood that this permission is only accorded upon the condition that the settlers must not further encroach upon the lands of the Indians, or in any way interfere with or disturb them in their occupancy of the said park, and cannot be further extended.

Very respectfully, your obedient servant,

Hon. H. M. TELLER,
Central City, Colo.

C. SCHURZ,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 30, 1877.

SIR: I transmit herewith for your information, a letter addressed to this department, under date of 20th instant, by Hon. H. M. Teller, upon

the subject of the settlers upon the Uncompahgre Park in Colorado, together with a copy of reply thereto of this date.

The United States Indian agent for the Utes should be instructed to inform the Indians of the action taken by the department, and the conditions upon which it is based.

Very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 5, 1877.

SIR: In compliance with the directions of the Secretary of the Interior, under date of the 30th ultimo, I transmit herewith copy of correspondence between the department and Senator Teller relative to the question of occupancy of, and jurisdiction over, lands set apart for Ute Indians in Colorado, by Presidential order of August 17, 1876, and the decision of the department permitting the settlers to remain thereon for six months from April 30, 1877, the date of his decision, and no longer.

You will inform the Indians of this action by the department, and explain to them the conditions upon which it is based, and request them to peaceably acquiesce therein.

Very respectfully,

J. Q. SMITH,
Commissioner.

WM. D. WHEELER, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

WHITE RIVER INDIAN AGENCY,
White River, Colo., May 7, 1877.

SIR: I have to advise you that the matter of the coming in upon the Ute Reservation by white persons to settle and to prospect for gold is being agitated by some parties in the country about.

The very unfortunate mistakes made by Mr. Miller in his *intended* survey of the northern boundary of the Ute Reserve has led to much talk and discussion as to the rights of the Ute Indians to the White River Valley. It is due to the Indians of this reserve, and to the quiet and well being of the white settlements near, that this agitation should cease; that the mistake made by Mr. Miller should be officially rectified by authorities in the Land Office; that correct maps indicating the true position of the northern boundary of the Ute Reserve in Colorado should be circulated, sent for distribution to Denver, Middle Park, and to other places.

The treaty plainly states that the northern boundary shall be a line fifteen miles north of the fortieth parallel of latitude. All the authorities of the "Hayden Survey," and of all maps which I have seen, place the fortieth parallel about two miles north of the location of this agency. Mr. Miller ran his line for the northern boundary one-half a mile south of this agency, making a mistake of about seventeen and a half miles.

I ask whether I will be supported if I endeavor to remove persons

coming upon the reserve to settle or to "prospect"; and where I am to look for assistance to do so.

Very respectfully, your obedient servant,

E. H. DANFORTH,
United States Indian Agent.
Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 23, 1877.

SIR: Respecting the question of the occupancy of the White River Valley, in the northern portion of the Ute Reservation in Colorado, referred to in your letter of the 7th instant, you are advised that any person settling upon lands in Colorado south of the first standard parallel between the 107th degree of west longitude and the west boundary of Colorado since the 22d of November, 1875, is there in violation of law, and subject to removal under sections 2147 to 2151, both inclusive, of the Revised Statutes. If a removal is deemed necessary, you will report the facts to this office that proper action may be taken in the premises.

The question of the right of occupancy is not affected by the accuracy of Mr. James W. Miller's survey. That question is settled by an executive order, dated November 22, 1875, whereby all the land between the 107th degree of west longitude and the western boundary of the State, as far north as the first standard parallel, was withdrawn from settlement and set apart as an addition to the Ute Reserve.

The first standard parallel has been surveyed and its location properly marked by regulation mounds or monuments, and is at least 25 miles north of the agency buildings.

I send you, for the files of your office, another copy of said executive order with copy of office letter of November 24, 1875, transmitting a copy thereof.

Very respectfully,

S. A. GALPIN,
Acting Commissioner.

E. H. DANFORTH, Esq.,
United States Indian Agent, White River Agency, Colorado.

WHITE RIVER INDIAN AGENCY,
White River, Colo., June 11, 1877.

SIR: I am in receipt of your letter of the 23d of May, in reply to my letter of May 7, asking for certain instructions as to the course I should pursue in case parties make an effort to settle in the northern portion of the Ute Reserve near my agency.

Your letter does not satisfy my inquiries. I have already a copy of the executive order setting apart an addition to the Ute Reservation. You say: "If a removal is deemed necessary you will report the facts to this office that proper action may be taken in the premises." I wished in my former letter to urge upon the Indian Office the importance of taking prompt measures to render any such removal unnecessary by preventing in the first the occupation of the country. *Especially in this case is prevention better than cure.*

With my poor facilities of communication, it would take some time

to report the income and action of settlers; longer for any action to be taken. The season would be advanced, the parties would remain here throughout the winter; in the mean time others would come, and once having found their way into the Indian country, experience has taught that it will be found impracticable to remove them. The Indian feels this very keenly; and, also, every one who is friendly to the Indian and acquainted with his history. If the Indians here are permitted to see white people come into their country after what has been said to them, they cannot be made to believe that the government will keep faith with them, and if they do not believe this, all our hold upon and influence over them will be destroyed.

The Utes fully believe that they have been deprived, unjustly, of part of their lands in the southern portion of their reserve, and from what I have been able to learn on the subject, I think the facts in the case justify their belief and the correctness of their statement that white settlers are at present occupying and farming their land. From what I see of the disposition and wishes of the white people in the neighborhood of the northern portion of the reservation, they would gladly deprive the Utes of this country, and that they are preparing to take the first steps to accomplish it I am satisfied. Efforts are being made to raise colonies to settle in the White River Valley; one party of about sixty families is reported *en route*. I have a letter from the leader of another party, asking me for information and directions.

There is already one party upon the reserve, hunting and prospecting for gold. The settlers of the neighboring valleys are loud in their talk that they have a perfect right to come and settle here, and are proposing to do so. Much of this discussion has arisen, as I said before, no doubt, from the mistakes of the Miller survey. It continually comes to me that members of this party were very free in declaring in their progress through the country that this agency was off the reservation, and the entire White River Valley was not Indian country. I repeat here, most decidedly, that it is the duty of the Indian Office, through the Land Office, or in some other way, to publish *very widely* throughout Colorado, and very soon, too, the true boundaries of this reservation, and to circulate correct maps indicating the same to the eye. A little care taken *now* in this direction will save a great deal of trouble to Indians and whites, and to the authorities of the country in future.

I here repeat my question, Can I do something (if so, what) or nothing in the way of meeting parties who may be on their way to this valley to settle, or to hunt gold, and forbid and prevent their progress, and to what extent I can use an Indian police force (as has been recommended by the Indian Department) to accomplish my object?

I respectfully ask an answer to this letter by return mail.

Very respectfully, your obedient servant,

E. H. DANFORTH,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 5, 1877.

SIR: I have the honor to submit herewith, for your consideration and instruction, copy of a letter of the 11th ultimo from E. H. Danforth,

United States Indian agent for the White River Ute Reservation in Colorado, complaining of the defiant intrusion of unauthorized white persons upon the northern portion of said reservation, particularly the White River Valley, and of his inability to effectually check or control them.

There is no military post near said agency, and it is not, therefore, practicable for the agent to obtain the aid of troops upon his own application, and without such assistance he is helpless to prevent the disregard of the territorial rights of said Indians by the intruders in question. The Utes are well known as a brave and warlike tribe, and, although now entirely peaceful, the danger as well as injustice of permitting a flagrant violation of their clear treaty rights is very evident.

The pretext and only possible color of excuse for the intrusion complained of is found in the Miller survey of the northern boundary of said reservation, executed in 1874, which delineated said boundary as south of the fortieth parallel of north latitude, instead of fifteen miles north thereof, as provided by treaty of March 2, 1868 (15 Stats., 619), and clearly defined by Hayden's geographical survey of that region, which latter survey was based upon observations of latitude and longitude and seems to conform strictly to the treaty. Prior to the Miller survey the Indians were in undisputed possession of the White River Valley as an unquestioned portion of their reservation, but thereafter, and under color thereof, the whites began the encroachments which have at last obtained such magnitude as to demand early attention. In this connection I respectfully recommend that steps be taken to secure a re-survey in lieu of that executed by Miller, so as to conform to the boundaries defined in the treaty, and thereby remove all possible pretense for unauthorized intrusion upon the reservation. It is recommended, however, that the General Land Office be directed to instruct the register and receiver of the proper district to give public notice that all lands withdrawn by said executive order are reserved as Indian lands, and are not, therefore, regarded as a part of the public domain for any purpose whatever, and that white settlers thereon are trespassers, and will be removed by the government, with the aid of the military, if necessary.

There are no funds available for the preparation and free distribution of a large number of copies of a government map distinctly showing the treaty boundaries of said reservation, as recommended by the agent, nor does such measure seem necessary, inasmuch as said treaty and the executive order of November 22, 1875, in connection with the Hayden survey, which is shown on the published maps of the General Land Office, indicate the limits within which white settlements are not permitted so clearly that a *bona-fide* mistake in regard thereto is very improbable. Neither does this office regard the employment of an Indian police force to keep out such intruders, as suggested by the agent, either politic or safe. The proper use of such a force is found in the preservation of internal peace and good order, the repression of domestic violence, and the arrest of culprits among themselves. When they are brought to oppose the ingress into their territory of organized bodies of white persons, their action would carry with it the semblance of war, which would very probably soon be changed into actual condition of armed hostilities. This state of affairs it is manifestly the duty of the government to prevent by using its own power to preserve inviolate the lands of the Indians.

In view of all the circumstances and the grave public interests involved, it is suggested that it may be advisable to submit the matter to the President, with the recommendation that a military force be sent to

the White River Valley to insure the faithful observance of the treaty stipulations with the Utes, by removing and keeping away from their reservation all unauthorized persons.

Very respectfully,

J. Q. SMITH, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

OURAY, COLO., *June 25, 1877.*

SIR: We, the undersigned, respectfully petition that a right of way may be granted us to build a toll-road from a point in the Gunnison Valley, on the east line of the Ute Indian Reservation, down the valley of the Gunnison River to one of its southern tributaries, thence up said tributary and across the divide, to connect with the present toll-road (from Indian Creek to the north line of the San Juan purchase) at a point on or near the valley of the Cimarron (or Peballo) River.

The reasons why the road should be built are as follows:

1st. The reduction or treating of the ores of this mining district require a large supply of coal and coke, which can only be obtained from the Elk Mountains. This road which we ask the right to build will shorten the distance from here some fifty miles to the large deposits of coal located there.

2d. As all the agricultural lands in this vicinity are included in the Indian reservation, we shall have to look to the Gunnison Valley for the supply of most of our farm produce; therefore, it is highly desirable that we have direct connection by good wagon-road with this valley.

We, the petitioners, hereby agree, if the right of way is granted us to build this road, that we will immediately thereafter incorporate ourselves into a stock company under the laws of Colorado, and open the road for travel within one year from the date of the granting of this petition.

Very respectfully submitted.

GARDEN KIMBALL.
JOHN B. OUTCAIT.
C. A. WHEELER.

Hon. J. Q. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 7, 1877.

GENTLEMEN: I am in receipt of your letter of June 25 last, requesting permission to establish a toll-road through a portion of the Ute Reservation in Colorado, and in reply have to say that, in view of existing treaty stipulations with said tribe, and the peaceful relations which would be imperiled, by the construction and use of said road, I must, as at present advised, decline to grant the permission desired, or to recommend the application therefor to the favorable consideration of the department proper.

Vere respectfully,

J. Q. SMITH, *Commissioner.*

MESSERS. GORDON KIMBALL,
JOHN B. OUTCAIT, and
C. A. WHEELER,

Ouray, Colo.

LOS PINOS INDIAN AGENCY,
Colorado, September 24, 1877.

SIR: I have the honor to invite the attention of the department to the fact that the time is fast approaching when the settlers in the Uncompahgre Park will be required to vacate that place, under the decision of the honorable Secretary of the Interior, announced in his letter of April 30, 1877, to the Hon. H. M. Teller.

Many of the Indians have, from time to time, expressed to me their dissatisfaction at the encroachments of these parties on their reservations, and they fully expect that at the time specified by the department, viz, October 30, 1877, the cause of complaint will be promptly removed.

That the settlers have escaped molestation by the Utes for so long a period of time is due, in my opinion, to the intercessions made in their behalf by the head chief, Ouray.

Ouray's influence in his tribe is marked, and he is very friendly to the whites, but even he will not rest contented if there should be any delay in clearing the reservation of these intruders.

In view of the facts, I respectfully request instructions at an early date as to what action, if any, I am expected to take in the premises.

Very respectfully, your obedient servant,

W. D. WHEELER,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 17, 1877.

SIR: I have the honor to submit herewith a copy of a letter from W. D. Wheeler, United States Indian agent at Los Pinos Agency, Colo., dated the 24th of September last, asking instructions as to what action should be taken for the removal of settlers from the Uncompahgre Park.

This park was declared by the President, on the 17th of August, 1876, to be a part of the Ute Indian Reservation, and not ceded territory, as provided in the Brunot agreement, approved by Congress April 29, 1874 (18 Statutes, p. 36).

There are miners upon it who claim that the line fixed by the Brunot agreement as the north boundary of the Ute cession having been surveyed by the government, and that survey approved, the land in question became a part of the public domain.

This office, however, held that the agreement specifically provided that if any part of the Uncompahgre Park should be found to extend south of the north line herein referred to, the same was not intended to be included in said cession, and was thereby reserved and retained as a portion of the Ute Reservation. The status of this land formed the subject of office reports dated October 28, 1876, February 8, 1877, and March 19, 1877, to which your attention is respectfully invited for a full statement of facts bearing upon questions then at issue.

Under date of the 30th of April last, in your correspondence with Senator Teller, of Colorado, permission was given to these settlers to remain upon the land in dispute, and covered by said executive order of August 17, 1876, for six months from that date, and no longer.

Agent Wheeler was advised of your decision and instructed to inform the Indians of this action and the conditions upon which it was based, and to request them to peaceably acquiesce therein. The Indians, through the influence of Ouray and their agent, have complied with your directions, but they expect that at the expiration of the time within which these settlers were permitted to remain, viz, October 30, 1877, the cause of their complaint will be promptly removed.

Ouray is very friendly to the whites, and his influence in his tribe is marked, but the agent reports that he (Ouray) will not rest contented if there should be any delay in clearing the reservation of these intruders.

I have the honor to recommend that authority be granted for the removal of all settlers found within the limits of the "four miles square" tract of country, it being the land covered by the aforesaid executive order, after the 30th of October, 1877.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 19, 1877.

SIR: I am in receipt of your letter of the 17th instant, in relation to the removal of squatters from the Uncompahgre Park, in the southern part of the Ute Reserve in Colorado, with inclosed copy of a letter from Agent Wheeler, of Los Pinos, in relation to the same subject.

In a letter addressed to Hon. H. M. Teller, of Colorado, under date of 30th April last, six months' grace was given to the parties named to harvest their crops and leave the park, and the grace was only accorded upon the ground that the intruders would leave the park upon due notice being given to them at the expiration of the time stated.

In accordance with your recommendation, authority is hereby granted for the removal of all settlers found within the limits of the "four miles square" tract of country covered by the executive order of August 17, 1876, at the expiration of the time set for their removal, viz, the 30th of the present month.

Very respectfully, &c.,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 23, 1877.

SIR: In reply to your letter of the 24th of September last, asking instructions relative to the removal of settlers on the tract of country in Colorado known as the Uncompahgre Park, and embraced in the order of the President dated August 17, 1876, you are advised that authority has been granted by the Secretary of the Interior on the 19th instant (copy herewith) for the removal of all settlers found thereon after the 30th instant. You will notify all such settlers of this order and request them to peaceably remove therefrom. If any should fail to comply

therewith after reasonable time, you will call upon the military authorities to assist you in their removal.

Very respectfully,

E. A. HAYT, *Commissioner.*

W. D. WHEELER, Esq.,

United States Indian Agent, Los Pinos Agency, Colorado.

LOS PINOS INDIAN AGENCY, COLORADO,

November 21, 1877.

SIR: Agreeably to instructions, I have to inform you that the honorable Secretary of the Interior has ordered, under date October 19, 1877, the "removal of all settlers found within the limits of the 'four miles square' tract of country covered by the executive order of August 17, 1876, at the expiration of the time set for their removal, viz, 30th of the present month" (October).

I have also been directed to notify you, and you are hereby notified, to peaceably remove from the tract of country referred to and on which you are now a settler; and, in this connection, it is desired you should understand that a ready compliance with the requirements of said notice is expected, so that the government may be spared the trouble and expense of sending troops to this section of the country.

Very respectfully, your obedient servant,

W. D. WHEELER,

United States Indian Agent.

LOS PINOS INDIAN AGENCY, COLORADO,

December 3, 1877.

SIR: I have the honor to forward herewith, for your information, a copy of an application made by me this day to the commanding officer at Fort Garland, Colo., for a detachment of troops to assist me in clearing the Uncompaghe Park of squatters.

Very respectfully, your obedient servant,

W. D. WHEELER,

United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

LOS PINOS INDIAN AGENCY, COLORADO,

December 3, 1877-

SIR: I have the honor to inclose herewith, for your information, copies of two letters relative to the removal of the squatters from the Uncompaghe Park, one from the Secretary of the Interior and the other from the Commissioner of Indian Affairs.*

Some of the squatters in the park having failed to comply with the orders of the Secretary after due notice had been given them, it now becomes my duty to carry out so much of my instructions contained in the Commissioner's letter as directs me to call upon the military authori-

* Letter of Secretary dated October 19, 1877, and of Commissioner of Indian Affairs dated October 22, 1877, preceding.

ties to assist me in their removal. Accordingly, I respectfully request that you will take such steps as may be necessary to send a suitable force to this place as early as practicable.

Twenty men, under command of an efficient officer, would, in my opinion, be about the number required, and subsistence should be furnished for not less than ninety days, exclusive of the time occupied in traveling to and from the agency.

As to forage, but little, if any, can be purchased in this part of the country, but I understand that both hay and grain are abundant in the vicinity of Saguache.

Very respectfully, your obedient servant,

W. D. WHEELER,
To COMMANDING OFFICER, *United States Indian Agent.*
Fort Garland, Colo.

SOUTHERN UTE AGENCY,
RIO LOS PINOS, COLO., *November 19, 1877.*

SIR: At a council of the Southern Ute Indians held to-day complaint was made that certain parties had taken possession of some land claimed by the Indians.

Previous to to-day, on the 12th instant, the parties, E. A. Clayton and James Raser, in company with Cabason, an old Ute chief, a Navajo, and some other Utes, came to the agency, and after an examination of both parties as thorough as could be made, the facts in the case, as briefly and explicitly as can be stated, are as follows:

It is claimed on behalf of the Utes that Cabason and his band, in company with the Navajoes, "has cultivated this land ever since he was a boy"; that he has farmed it every year; that he intends to continue to do so, and that he has a "saca" (ditch) taken out for irrigating the land; that when they harvested their corn and went on the chase the parties before mentioned came and took possession of their claim, which, in addition to being their plat of farming land, is to them also a sacred place where the annual corn-feast occurs.

The parties, E. A. Clayton and James Raser, say that they occupied the land on the 24th of October last; that they knew the land to have been farmed by the Indians; that they occupied the land, being on the search of homes; and that they are five miles south of the southern boundary of the reservation. The locality of this land is in La Plata Valley, through which runs the river bearing the same name.

The agent does not want to add anything by which the department may be biased in the decision as to whether the Indians have a right to the land or not. The instructions from your office direct that these Indians be collected on the reservation; but, on the other hand, as it is also the intention of the government that these people be taught to labor, and as that is one of the chief objects to be accomplished by the agent, it must be very evident as to the result of an adverse decision to the Indians, when it is borne in mind that this band of Cabason is the only one which does any labor of any kind, and which would constitute a nucleus for a beginning of the object finally to be gained.

I have the honor to be your obedient servant,

F. H. WEAVER,
United States Indian Agent.

(Post-office address, Tierra Amarilla, N. Mex.)

Hon. E. A. HAYT,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 23, 1878.

SIR: In reply to your letter of the 19th of November, 1877, relative to a dispute between Cabason and his band of Southern Ute Indians and E. A. Clayton and James Roser, respecting the title to certain land in the La Plata Valley, which the Indians claim to have cultivated ever since Cabason was a boy, but now seized and taken possession of by these settlers, who claim to have occupied it on the 24th of October last, I have to state that, inasmuch as the La Plata Valley covers a great extent of country, embracing Ute lands ceded in the Brunot agreement, a portion of the Ute reservation, and also land within the Territory of New Mexico, I am unable to give any decision before the land in question is definitely located. If the land is within the limits of the Ute reservation, there is no question that the settlers are there without authority of law; if, however, it is within the Ute cession or in the Territory of New Mexico, the Indians have no right to said land. As no portion of this valley has been surveyed, the Indians cannot acquire any right thereto under the homestead act.

It is the policy and purpose of the government, by all available means, to aid the Indians in their efforts to become self-supporting by their own labor. The government cannot aid the Indians in this object, except they live upon homesteads or upon lands within the limits of a reservation.

To enable the department to act advisedly on such question, in addition to such statement as you may officially make, you will state facts, supported, as far as may be, by evidence as to the precise area and locality of the land, how long occupied, and whether said land has been surveyed, &c. I transmit herewith a portion of map showing La Plata Valley, that you may designate the location thereon, and return the same to this office with your report.

Very respectfully,

C. W. HOLCOMB,
Acting Commissioner.

FRANCIS H. WEAVER,
United States Indian Agent, Animas City, Colo.

[R. F. Long, president and managing director; C. P. Harding, treasurer; W. H. Strout, secretary and metallurgist. Office of San Juan and Saint Louis Mining and Smelting Company.]

OURAY, COLO., *February 1, 1878.*

DEAR SIR: It was provided by the last treaty between the United States Government and the Ute Indian tribe, "That if any portion of the Uncompahgre Park should extend south of the northern line (running east and west) of the ceded lands, it should be reserved for the use of the Ute tribe." Before President Grant's term expired he issued a proclamation calling for the reservation of four miles square, running two miles east and two miles west from the fifty-third mile-post, thence south four miles, to include the park. By this proclamation a portion of the ceded lands are reconveyed to the Indians, as the park at its greatest extent does not exceed one mile and a half wide, and, as we understand the reading of the treaty, it does not call for any other reservation south of the northern line of the purchased tract but the Uncompahgre Park, while Mr. Grant's proclamation calls for the reservation of lands already ceded, and which are containing very valuable mineral

deposits in the mountain spurs running north from the main range and lying on the east and west side of the park lands. From what I can learn, I presume the squatters upon the park will be removed. Now, while we do not wish or intend to encroach upon the rights of the Utes, we do claim the privilege to work and develop, under the United States laws, any mineral bearing vein or deposit within the boundaries of lands ceded to the government; and as this four-mile proclamation of President Grant interferes with our rights, and includes such lands as have already been treated for by the government, we most respectfully request that should you order the agent at Los Pinos, Mr. Abbott, to remove the "squatters" from the park lands, you will so word your instructions so as not to include the mining operations on the spurs lying on the east and west side of the park.

I have the honor to be, very respectfully, your obedient servant,
R. F. LONG.

Hon. CARL SCHURZ,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 27, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter, dated the 18th instant, from Hon. Chas. E. Hooker and Hon. H. F. Page, subcommittee of the House Committee on Indian Affairs, inclosing, for the views of the department, House bill No. 3020, authorizing the Secretary of the Interior to negotiate with the Ute Indians for the extinguishment of their title to all of their reservation in the State of Colorado, and for their removal to the Indian Territory; and also inclosing, for a like purpose, House bill No. 3027, authorizing similar negotiations with said Indians for the extinguishment of their title to a portion of their said reservation.

With reference to the first-named bill, providing for the removal of the Utes to Indian Territory, I have the honor to call attention to the views favoring such removal as expressed on page 6 of office report of the year 1877.

Since writing the report additional reasons have presented themselves showing the necessity for the early accomplishment of this object. The encroachments of the whites upon the reservation, the necessity for additional roads and means of communication across the same, together with the difficulties in connection with the Uncompahgre Park, have excited the Indians, and the danger of an outbreak is so imminent that applications for troops to preserve the peace have already been presented. It is, therefore, hardly necessary for me to say that the end sought to be accomplished by the bill has my approval.

For the purpose of effecting, as far as possible, a consolidation of the Indians, it has been the policy of this office to remove the Utes at the Abiquin and Cimarron agencies in New Mexico, who properly belong to the Colorado Utes, to the reservation in that State, and steps, have already been taken looking to the erection of agency buildings for such purpose on the Los Pinos River, in the extreme southern part of the reservation.

It is my understanding that these Indians, together with Ouray and other Utes on the reservation who are friendly to the government, will be strongly opposed to the removal to the Indian Territory, and it is

doubtful whether their consent to such removal can be gained, though they may be willing to cede a portion of their reservation and consent to a consolidation upon the remainder.

Should it be found that their assent to a removal cannot be gained, I deem it advisable to secure the extinguishment of their title to as large a portion as possible of their reservation south of the Grand River and their consolidation at the White River Agency, or the removal of such of them as may consent, to the Indian Territory. A consolidation at White River would do away with two agencies and decrease the expense of transporting the supplies for the Utes about one-half.

While, therefore, I am fully in accord with the objects sought to be accomplished by the bills submitted, neither of them is, in my judgment, sufficient to meet the requirements of the case.

My principal objection to both bills is that they do not provide for a sufficient appropriation from which to defray the expenses of the proposed negotiations. They are also deficient in other respects necessary to insure the success of the negotiations, especially in not providing for a delegation under charge of the commissioners to select a home for the Utes in the Indian Territory.

In view of these objections, I have had prepared a draft of a bill, designed to cure the objections named above, which I have the honor to submit, with the recommendation that it be adopted in lieu of House bills Nos. 3020 and 3021, which are herewith returned.

Very respectfully, your obedient servant,

C. W. HOLCOMB,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

LOS PINOS INDIAN AGENCY, COLORADO,
January 30, 1878.

SIR: The reiterated complaints of the Indians under my care, respecting the failure of the government to remove the squatters from the Uncompahgre Park places the agent in a most embarrassing situation. He stands in the estimation of the Indians as the representative of a government whose design it is to cheat them out of their rights and, viewed in such a light, he can, of course, have but little influence for good amongst them.

The animus of the Utes in this matter is unequivocal; they intend to have their park cleared, by fair means, if possible, and if not, why, then, by foul. The spirit is not restricted merely to the chiefs and those in authority; it affects the whole tribe, not excluding so much as a single member, newspapers and newspaper correspondents to the contrary notwithstanding. Ouray, the head chief of the Utes, who is a man of undoubted intelligence, well-disposed toward the whites, ready at all times to assist the agent in his efforts to educate the Utes, recognizing that sooner or later his people must *work* in order to support themselves, and setting taem, without regard to personal interest, a good example by entering quite extensively into farming, has expressed to me his utter disgust at the procrastination of the government in this affair, and his determination to take no part again in any treaty with any such people. In a talk with Ouray a few days ago, he complained bitterly of the perfidy of the government, and inquired, very naturally, so I thought, on what grounds we demanded of the Indians a strict compliance with

laws, rules, and regulations, when "Washington" himself was faithless and disloyal to his treaty. He tells me that he experiences great difficulty in restraining his young men from clearing the park on their own responsibility; and that, furthermore, his oft-repeated assurances to them that very soon troops would be sent by "Washington" for the purpose, has branded him as a "liar" amongst many of his people, and indeed has placed his own life in jeopardy. He claims that the Utes have acted most honestly in the matter, while the government, on the other hand, has demonstrated herself either to be impotent to protect her own honor, or else by her superior strength designs to take an unfair advantage of the ignorant and weak Indians.

My limited knowledge of the Indians, having been with them less than a month, does not warrant my speaking confidently as to the merits of the case; but that action of some sort should be taken to quiet their discontent is evident.

I would respectfully suggest that an inspector be ordered at once to this agency, and that an investigation into this case be designated as part of his duty.

On the 24th January, 1878, I addressed a communication to the commanding officer Fort Garland, Colo., relative to sending a detachment of troops to this place. A copy of my letter is inclosed herewith.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

LOS PINOS INDIAN AGENCY, COLORADO,
January 24, 1878.

SIR: Referring to the communication addressed to you by my predecessor on the 3d of December, 1877, in which he, under authority from the Secretary of the Interior and Commissioner of Indian Affairs, applied to you for a sufficient force to clear the Uncompahgre Park of squatters, I have the honor to request information as to what, if any, action has been taken in the matter.

It was promised the Indians that the intruders on the reservation should only be permitted to remain until the expiration of the grace granted them by the honorable Secretary of the Interior, viz, October 30, 1877, but notwithstanding the promise made they still continue to hold possession of their ranches, and evidently do not intend to remove until forcibly compelled to do so. It is full time that some action be taken with a view of clearing the reservation of this very troublesome class of persons, and it is better that it should be done before they put in their spring crops.

I respectfully solicit your early attention to this matter.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

The COMMANDING OFFICER,
Fort Garland, Colo.

HEADQUARTERS FORT GARLAND, COLO.,
January 30, 1878.

SIR: I have the honor to acknowledge the receipt of your communication of January 24, 1878, and to inform you that the communication of December 3, 1877, referred to by you, in which you make application for troops &c., has not reached this office.

Your communication of January 24 has this day been forwarded for the information and action of higher authority.

The troops sent last year for the purpose of removing these settlers returned, after official statement was made by the agent that their services were no longer required. The orders from War Department under which they were sent are no longer in force.

It is to be regretted that the compromise of the Indian Bureau renders this movement of the troops of no avail for the purpose intended, and now compels you to again ask for troops.

No troops will be sent you for the purpose of removing these settlers unless upon orders from higher authority.

Very respectfully, your obedient servant,

GEO. SHORKLEY,
Captain Fifteenth Infantry, Commanding Post.

JOSEPH B. ABBOTT, Esq.,
United States Indian Agent, Los Pinos Indian Agency, Colorado.

LOS PINOS INDIAN AGENCY, COLORADO,
February 6, 1878.

Official copy respectfully furnished the honorable Commissioner of Indian Affairs, for his information.

JOSEPH B. ABBOTT,
United States Indian Agent.

WAR DEPARTMENT,
Washington City, March 1, 1878.

SIR: I have the honor to transmit, herewith, a copy of papers showing the instructions given and action had in the matter of the pasturing, by unauthorized parties, of cattle on the Los Pinos Reservation, for whose removal the Interior Department requested military co-operation.

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Indorsements, &c., showing action on correspondence from Interior Department concerning the pasturing, by unauthorized parties, of cattle on the Los Pinos Reservation, and desiring military co-operation in their removal therefrom, &c.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 2, 1877.

Official copy respectfully referred to General P. H. Sheridan, commanding Military Division of the Missouri, who will instruct General Pope to assist the Indian agent at Los Pinos, by a detachment of cavalry from the nearest military post, provided they can be spared.

By command of General Sherman.

THOMAS M. VINCENT,
Assistant Adjutant-General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,

Chicago, February 5, 1877.

Respectfully referred to the commanding general Department of Missouri, for the purpose stated in the indorsement from headquarters of the Army.

To be returned with report of action taken indorsed hereon.

By command of Lieutenant-General Sheridan.

R. C. DRUM,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI.

ASSISTANT ADJUTANT-GENERAL'S OFFICE,

Fort Leavenworth, Kans., February 8, 1877.

Respectfully referred to the commanding officer District of New Mexico, who will cause the instructions of the General of the Army to be carried out.

These papers to be returned with report of action taken. Full report should be made by the officer sent in command of the detachment of his operations under his orders.

By command of Brigadier-General Pope.

E. R. PLATT,

Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NEW MEXICO.

Santa Fé, N. Mex., February 6, 1878.

Respectfully returned through the assistant adjutant-general Department of the Missouri.

On receipt of this paper, a copy was referred to the commanding officer, Fort Garland, Colo., with instructions for him to send an officer with detachment to the Los Pinos Agency. (Copy of indorsement inclosed.)

On account of the impassable nature of the road, the detachment placed *en route* to that place returned to Garland (see Captain Shorkley's original report, dated February 27, 1877, herewith). He was again instructed in letter of March 19 (copy also inclosed) to cause the detachment to proceed to the agency, which he did, and they remained there until June 17, 1877, when, their services being no longer required, the troops returned to their post.

Attention invited to the Indian Agent's letter of January 24, 1878, and the indorsements of commanding officer Fort Garland thereon accompanying.

It is not considered that the original order of last year is in force, the Indian Bureau having taken the matter into its own hands after the troops applied for had arrived at the agency under great difficulties through the mountain passes, and did not attempt the removal of the squatters while the troops were present to assist.

EDWARD HATCH,

Colonel Ninth Cavalry, Commanding.

NOTE.—Here follows inclosures to above indorsement.

[Indorsement on copy communication (M. 43, N. M., 1877) from Adjutant-General, U. S. A., Washington, D. C., February 2, 1877.]

Refers copies of correspondence between Interior and War Departments in relation to unauthorized parties who are pasturing cattle on Los Pinos Reservation in Colorado, and neglect, after due notice, to move their stock.

The General of the Army directs that General Pope be instructed to assist the Indian agent at Los Pinos by a detachment of cavalry from the nearest post, if they can be spared.

[First indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
ACTING ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Santa Fé, N. Mex., February 16, 1877.

Official copy respectfully referred to the commanding officer Fort Garland, Colo., who will send an officer with a detachment of cavalry to Los Pinos to report to Mr. W. D. Wheeler, Indian agent, to assist in ridding the reservation of these trespassers. Full report of action taken and results obtained will be made.

By command of Colonel Hatch.

THOS. BLAIR,
First Lieutenant and Adjutant Fifteenth Infantry,
Acting Assistant Adjutant-General.

HEADQUARTERS FORT GARLAND, COLO.,
February 27, 1877.

SIR: I have the honor to report that in compliance with your indorsement order of February 16, 1877, upon papers from Interior Department, Lieutenant Gibbon, with 25 men and 5 wagons, left the post on the 22d instant for Los Pinos Indian Agency.

Last night a courier came in with communication from Lieutenant Gibbon stating that the roads were impracticable for his transportation, &c.

I, this morning, send by return courier an order for his return to the post, fearing that, should he attempt the passage of the mountains, he would be snowed in, and would probably lose many animals before he could either get forward or back.

I have to-day learned from a Mr. Royal, who last winter made a trip over the road to Los Pinos, that it is impassable for wagons in winter. He states that he started over early in February last year with a wagon and at a time when the road was supposed to be the best for winter travel, and that he was compelled to put his wagon on runners, and then was compelled to lie by fourteen days in the pass because of a thick crust on the snow rendering travel impossible.

I have not sufficient authority under the circumstances to incur the risk and expense of forcing the command of Lieutenant Gibbon through to Los Pinos Agency; nor do I believe the necessity to be so immediate as to make it imperative. No new settler will enter the Indian country until it be practicable for troops to go in, and I am of the opinion that this forced delay until summer will render the accomplishment of the object of the movement more assured.

From the best information I can get, I am inclined to the belief that the road will be impracticable for even pack-trains before about the first of May, and that the floods may make the streams impassable for wagons until about the first of July.

I inclose copies of orders and communications relating to this movement.

Further orders respectfully requested.

Very respectfully, your obedient servant,

GEO. SHORKLEY,
Captain Fifteenth Infantry, Commanding Post.
ACTING ASSISTANT ADJUTANT-GENERAL,
District of New Mexico.

[Special Orders No. 13.—Extract.]

HEADQUARTERS FORT GARLAND, COLO.,
February 21, 1877.

* * * * *

II. In compliance with instructions from headquarters District of New Mexico, dated Santa Fé, N. Mex., February 16, 1877, Lieut. D. J. Gibbon, commanding G Company, Ninth United States Cavalry, with 25 men, will proceed without delay to Los Pinos Indian Agency, and report to Indian Agent W. D. Wheeler, to assist him in ridding that reservation of trespassers mentioned in papers from the honorable Secretary of the Interior (official copy furnished him), and upon completion of this duty he will return with his command to the post.

Lieutenant Gibbon will be governed in his action in dealing with citizens by circular orders of May 15, 1876, from Department of the Missouri, and will make full report of action taken and results obtained.

The command will be rationed to include fifty days out from post, and will be foraged as transportation may permit, and will be well supplied with clothing and ammunition.

The post quartermaster will furnish all the transportation at the post available.

By order of Captain Shorkley.

GEO. F. COOKE,
Second Lieutenant Fifteenth Infantry, Post Adjutant.

SAQUACHE, February 27, 1877.

SIR: I find matters so different here from what—by telegrams and orders—seemed to be anticipated at district headquarters, that I think it advisable not to proceed without more definite instructions, and send this by courier.

The second telegram says “it is understood the road is good via Saquache, practicable for wagons,” &c.

1st. The road via Saquache is the only road to the new agency (that is, after passing the old agency), and about 150 miles, and the worst road in the country.

2d. There is no forage after leaving here excepting at the old agency, for a few animals.

3d. My wagons will not carry over 2,500 pounds over the road above here.

4th. I cannot carry forage for over five days, and the lowest estimate I can get of the time required to get through is twenty days, possibly eighteen, if heavy snow-storms do not set in, which is very likely to happen; in fact, a heavy storm has now commenced, and March is the worst month in the year for snow-storms.

5th. Twelve days is as quick as teams can get through in the fall, but that is extra fast time. An empty wagon with four good horses came through two weeks ago, in fourteen days, as far as the old agency, but met no storm.

6th. A train of nine teams started through ten days ago, provisioned for six weeks, and provided with sleds to cross the mountains. In eight days they had made 60 miles from here over the best part of the road. The mail is carried by dogs with sleds.

7th. The trip must be made immediately, as from 1st of April to 1st

of August the high waters make the crossing impassable for teams, and no persons here will agree to go over.

8th. The roads are very sideling, rough, and slippery, and my wagons too high to go over them (axles too high from ground).

9th. I ought not to carry rations over for the return trip, as I can purchase beef and flour over there for less than *cost of transportation at this season of the year*, and it is almost certain some of my wagons will not get through.

Several men here will furnish transportation for me from here; for forage I may buy, but I have not received any proposals as to rates.

One man offers to furnish forage, provided I take it for the trip there and back (not including nine days' grain I have on hand), at 15 cents per pound for grain, and 12 cents per pound for hay, and go along as guide.

The road is so obliterated by drifting snow that it would be the height of folly for me to venture in without a guide.

This is the best offer I can get, and will not hold good unless I start in a few days. He will not start out with forage for less than forty days, as he has crossed the mountains several times and sometimes been delayed nearly a month.

I can get low wagons for the trip at \$2 per day (wagons alone), but unless I receive orders to leave mine and take them, will go on with what I have, and make the best of them, although this light distance has severely injured some of them. I am now getting a new iron axle in one (Smith's), the present axle having broken in the middle, and must also have a new hind-wheel.

You see the expenses will be immense for so small a detachment, and I do not feel that my instructions justify the action I know to be necessary for the safety of the men and animals.

I brought a letter of instruction from Mr. West to Mr. Hearm, whom Mr. West vouches for, and I believe to be a most reliable man. He (Mr. Hearm) has introduced me to several of the most reliable and experienced men of this vicinity, and who can have no interest in misrepresenting the matter, and the foregoing is the opinion of all *without an exception*.

I must again state that *immediate action is very essential*; as, if I am delayed until the equinoctial storms come on, very much more will depend upon Providence than upon the transportation. The snow at present is about four feet on the level, and the drifts from six to twenty.

I think you will appreciate that I should have *specific authority, in just as many words, that I shall take what action I believe to be necessary*, or such delays as this will become as expensive besides delaying the business for which the order was issued.

Very respectfully, your obedient servant,

D. J. GIBBON,

Second Lieutenant Ninth Cavalry, Commanding Company G.

Major SHORKLEY,

Commanding Fort Garland, Colo.

HEADQUARTERS FORT GARLAND, COLO.,

February 27, 1877.

SIR: Your courier with communication of the 27th instant reached the post at 11 o'clock last night.

Should you have learned no new facts to lead you to change your

conclusions as to the impracticability of proceeding to Los Pinos Agency at present, you will please return with your command to the post.

It is not deemed desirable to incur so large an expenditure of money and materials as seems necessary to enable you to proceed, with the probability of your command being, even then, indefinitely delayed in the mountains, with insufficient supplies. A return to the post, with a short delay and a new equipment, may enable you to proceed without risk to your command and without unusual delays.

Very respectfully, your obedient servant,

GEO. SHORKLEY,

Captain Fifteenth Infantry, Commanding Post.

Lieut. D. J. GIBBON,

*Ninth Cavalry, Commanding Company G,
in the field, near Saquache, Colo.*

HEADQUARTERS DISTRICT OF NEW MEXICO,
ACTING ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Santa Fé, N. Mex., March 19, 1877.

SIR: Referring to Lieutenant Gibbon's report of February 27, inclosed in your communication of the same date, you will on receipt of this letter again order the company of cavalry at Garland to proceed with wagons as far as practicable, and then proceed to the Los Pinos Agency with pack-mules. The company should not have less than thirty days' rations. If the animals cannot have grain forage or it cannot be purchased at reasonable rates at the Los Pinos Agency, the horses, it is believed, can subsist until the wagons arrive with forage, where the cattle of the trespassing settlers subsist.

The instructions already given in endorsement of February 16, 1876, from this office will be carried out.

Very respectfully, your obedient servant,

THOS. BLAIR,

*First Lieutenant and Adjutant Fifteenth Infantry,
Assistant Adjutant-General.*

To the COMMANDING OFFICER,

Fort Garland, Colo.

LOS PINOS INDIAN AGENCY, COLORADO,
January 24, 1878.

SIR: Referring to the communication addressed to you by my predecessor on the 3d of December, 1877, in which he, under authority from the Secretary of the Interior and Commissioner of Indian Affairs, applied to you for sufficient force to clear the Uncompahgre Park of squatters, I have the honor to request information as to what, if any, action has been taken in the matter. It was promised the Indians that the intruders on the reservation should only be permitted to remain until the expiration of the grace granted them by the honorable Secretary of the Interior, viz, October 31, 1877, but notwithstanding the promise made they still continue to hold possession of their ranches, and evidently do not intend to remove until forcibly compelled to do so. It is full time that some action be taken with a view of clearing the reservation of this very troublesome class of persons, and it is better that it should be done

before they put in their spring crops. I respectfully solicit your early attention to this matter.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,

United States Indian Agent.

To the COMMANDING OFFICER,
Fort Garland, Colorado.

[Indorsement on above.]

HEADQUARTERS FORT GARLAND, COLO.,

January 30, 1878.

Respectfully forwarded for the information and action of higher authority than mine.

The troops sent last year for the purpose of removing these settlers returned, after official statement was made by the agent that their services were no longer required.

The orders from the War Department under which they were sent are believed to be no longer in force.

The communication of December 3, 1877, referred to within has not been received.

Copy of communication to Indian agent inclosed.

GEO. SHORKLEY,

Captain Fifteenth Infantry, Commanding Post.

HEADQUARTERS FORT GARLAND, COLO.,

January 30, 1878.

SIR: I have the honor to acknowledge the receipt of your communication of January 24, 1878, and to inform you that the communication of December 3, 1877, referred to by you, in which you make application for troops, &c., has not reached this office.

Your communication of January 24 has this day been forwarded for the information and action of higher authority.

The troops sent last year for the purpose of removing these settlers returned after official statement was made by the agent that their services were no longer (required?).

The orders from War Department under which they were sent are no longer in force.

It is to be regretted that the compromise of the Indian Bureau rendered this movement of the troops of no avail for the purpose intended, and now compels you to again ask for troops.

No troops will be sent you for the purpose of removing these settlers unless upon orders from higher authority.

Very respectfully, your obedient servant,

GEO. SHORKLEY,

Captain Fifteenth Infantry, Commanding Post.

JOSEPH B. ABBOTT, Esq.,

United States Indian Agent, Los Pinos Indian Agency, Colorado.

[Indorsements, continued.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., February 15, 1878.

Respectfully returned to the Adjutant-General of the Army, through headquarters Military Division of the Missouri, inviting attention to the history of this transaction, as shown by the inclosed papers.

I again beg to call attention to the recommendation contained in my last annual report, that all the Utes be concentrated upon one reservation, located where troops can be posted to protect them from encroachments.

This can never be done as long as they are divided among several reservations widely separated.

JNO. POPE,
Brevet Major-General, U. S. A., Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, February 20, 1878.

Respectfully forwarded to the Adjutant-General of the Army, inviting attention to the third and fourth indorsements hereon.

In the absence of the Lieutenant-General, commanding,
R. C. DRUM,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 8, 1878.

SIR: I have the honor to transmit for your information a copy of a communication from Joseph B. Abbott, United States Indian Agent at Los Pinos Indian Agency, Colorado, together with copy of correspondence on the subject of the removal of the squatters from the Uncompahgre Park, in the southern part of the Ute Reservation.

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

LOS PINOS INDIAN AGENCY, COLO.,
February 5, 1878.

SIR: Referring to your communication of the 30th ultimo, in which you state that the communication of December 3, 1877, addressed to you by my predecessor, never reached Fort Garland, I have the honor to inclose herewith, for your information, a copy of the correspondence referred to.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

To COMMANDING OFFICER,
Fort Garland, Colo.

Three inclosures, being letter of Secretary Schurz to Commissioner Hayt, dated October 19, 1877; letter of Commissioner Hayt to Agent Wheeler, dated October 22, 1877, and letter of Agent Wheeler to commanding officer at Fort Garland, dated December 3, 1877.

[First indorsement.]

HEADQUARTERS FORT GARLAND, COLO.,

February 14, 1878.

Respectfully forwarded to accompany letter forwarded from this office under date of January 30, 1878.

Lieutenant Valvis, Ninth Cavalry, with detachment of fifteen men, K Company, Ninth Cavalry, leave the post this morning for the lower San Juan country and Los Pinos Indian Agency—will probably be out forty days or more.

GEO. SHORKLEY,

Captain Fifteenth Infantry, Commanding Post.

[Second indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,

Santa Fé, N. Mex., February 18, 1878.

Respectfully forwarded to the assistant adjutant-general, Department of the Missouri, in connection with Indian agent's letter of January 24, 1878, forwarded as an inclosure to indorsement of February 6, 1878, from these headquarters.

EDWARD HATCH,

Colonel Ninth Cavalry, Commanding.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

Fort Leavenworth, Kans., February 26, 1878.

Respectfully forwarded to the Adjutant-General of the Army, through Headquarters Military Division of the Missouri, in connection with papers on this subject forwarded from this office on the 15th instant.

JOHN POPE,

Brevet Major-General, U. S. A., Commanding.

[Fourth indorsement.]

HEADQUARTERS MIL. DIV. OF THE MISSOURI,

Chicago, March 1, 1878.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,

Lieutenant-General, Commanding.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIANS AFFAIRS,

Washington, D. C., April 18, 1878.

SIR: I have the honor to submit herewith, for your consideration and action, copy of a letter dated January 30 last, from Joseph B. Abbott, United States Indian agent at Los Pinos Agency, Colorado, relative to the removal of intruders from the Uncompahgre Park, Colorado.

In a report dated October 17, 1877, this office recommended that authority be granted to have said intruders removed from the reservation, and in your reply thereto, dated October 19, 1877, you stated that, in a letter to the Hon. H. M. Teller, six months grace from April 30, 1877, had been

given the parties to harvest their crops and leave the park, but that you granted the authority to remove them at the expiration of that time.

The agent was accordingly instructed, on the 23d of the same month, to notify the settlers of your decision and to request them to peacefully remove from the reservation, and should they fail to do so within a reasonable time, to call upon the military authorities to assist him in their removal.

It appears from the agent's letter that the necessary military force has not been furnished. I will, therefore, respectfully recommend that the Secretary of War be requested to furnish a sufficient number of soldiers to remove the intruders from the Uncompahgre Park.

Very respectfully, your obedient servant,

WILLIAM M. LEADS,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[The San Juan Sentinel. Our aim, to do good and be happy. Tuesday, April 23, 1878.]

GOLD IN THE VALLEYS, GOLD IN THE FOOTHILLS, GOLD EVERYWHERE.

For weeks past it has been understood that a party composed of citizens of Del Norte and Lake City were to come over here, and at some point on the Uncompahgre they were to open up a new gold field. Opinions were divided as to the locality they intended to strike, but intimations were made that the valley of the Uncompahgre, near its junction with the Gunnison, was to be the place. Time passed slowly, and in the exuberance of hope the main party decided that it was best to send a man in advance to locate places for all. O. D. Downtain and others crossed the range in seven-league boots, and staked the Dallas, Dry, and Cow Creeks from their confluence with the Uncompahgre to a point far up the valley of each.

Some of the citizens of this place had for weeks had men prospecting about the old Mexican shafts, and had staked a claim; but the new men heeded not the rights of the others, but put stake upon stake. Only a few days elapsed when the vanguard of the Del Norte men arrived and operations were speedily commenced. Sinking shafts to the bed-rock was begun, and the survey of sluice-beds made. Tents have been set, and the appearance of portions of that section indicate more the tents of soldiers than the efforts of citizens to obtain the gold that is only as dross. The results of sundry pannings amount to from 3 to 5 cents per pan. Sluices have not yet been set, and the yield of gold has not been great. It has been estimated that on the mouths of the three streams above named there are from 60 to 75 men, principally from Del Norte, Lake City, and Ouray.

To many of our citizens the knowledge of gold in some quantity in those localities has been known for years, but until lately it has not been deemed advisable to awake the wrath of the Utes, as the work now being done is on the reservation. It is unfortunate that the work should be done at this time, when we all hope very soon to have the reservation cede to the United States. Several of the parties interested have declared their intention to vacate the grounds upon the complaint of the Indians or their agent. So far it is well, but 20 to 30 of the occupants of the new placer-field are armed as fully as if they had come

over the range to fight the Utes instead of being on a peaceable mission. So far it is well, and we hope no difficulty may arise, and that the actors may get wealth and contentment.

That there is gold in the valleys now being searched there is no doubt, and that the gravel is easily washed we know, as there are no large bowlders, and the situation is one of rare beauty and good climate. Lumber for sluices can readily be obtained, and provisions will be quite as cheap as at any placer mines in the State. A few days will prove the value of the ground now being worked, and upon its value must depend the permanency and attractiveness of this section for gold.

Two Indians came up a few days since to discover what was being done, but it is not yet known that they have expressed any displeasure.

We hope that no sorrow may be brought home to the actors in this effort to find placer gold in the valley of the Uncompahgre, but if it should, on the heads of those who have broken the law the blame must rest.

On the Lower Uncompahgre, some miles below Ouray's place, it has been known by Count Lotzenheizer, and others, that pay gold could be found. They found the gold when they were coming through from Utah four years ago, and there was enough, but Ouray forbid the work. This party deemed the certainty of gold, in paying quantities, very great, and regretted they were not allowed to do the work necessary to prove it.

Only a few months since some persons were on the Grand, a few miles from the mouth of the Delores, and they found pay. We were advised at the time but did not deem it policy to inform the public, but as the country has been taken possession of, we would be glad to see the miners get the best. At the point where gold was discovered on the Grand, gold wash can be done at any season of the year, but the parties were almost out of provisions and were obliged to come home and obtain supplies. Circumstances arose after their return that required their attention in different avocations, until now they cannot return, and we are permitted to state that there is gold enough there for all. We hope the enterprising will get it, and may they be happy.

OURAY HEARD FROM.

The following letter from Ouray is copied from the original letter addressed to a gentleman of this city, requesting that it be published in the Sentinel. We are pleased to publish it, because we are always glad to have intelligent and distinguished correspondents.

OURAY'S CAMP, *April 15.*

Ouray, chief of the Utes, sends greeting to the generals, colonels, and captains of the city of Ouray:

The chief of the Utes does not like the way he is being treated at present. In a convention of the Band of Utes of which I am chief, it was decided not to sell any more land to the whites at the present time. As chief of the band, I wish to state to miners and settlers that they must keep off the reservation.

OURAY.

UNITED STATES INDIAN AGENCY,
Los Pinos, Colo., April 17, 1878.

SIR: The whites are settling very rapidly upon the Ute reservation since the return of the agent, Dr. McKinney, who was sent to Washington from the town of Ouray to intercede in behalf of the white intruders and squatters in the Uncompahgre Park, or "Four-Mile Square,"

so called. I am informed by credible persons that within the last two weeks more than one hundred white men have entered upon the reservation, and are now locating mines, stocking ranches, &c.; and many of them are within six to ten miles of this agency.

The whites are also rapidly going in and squatting upon the lands along the Gunnison and Grand Rivers, so I am informed by several of the chiefs of the Utes. The Utes are very uneasy in regard to the matter, and are desirous that they should be driven off at once. But I am powerless to keep them off, or expel them therefrom.

The chiefs are peaceably disposed, and have repeatedly told me within the last ten days that the "Utes no want to fight;" but I am forced to believe that they are fearful that trouble may arise between the impulsive young men of the tribe and some of the lawless white squatters, and that a general outbreak may ensue.

In my opinion immediate action should be taken in this matter to keep faith with the Utes in accordance with the treaty of 1873, or to protect the white intruders.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, April 29, 1878.

SIR: On the 17th instant I sent a communication informing you in regard to the rapid encroachment of the whites upon the Ute Reservation, in the vicinity of this agency. Since that date the number of intruders has rapidly increased, and hundreds are prospecting for minerals, seeking out ranches, &c. All of the grass land available to this agency for getting hay has been occupied by these intruders. The park, or "Four-Mile Square," so called, has nearly all been inclosed by fences, and frame buildings are being erected with view to permanent settlement.

The Indians under my care are very uneasy in regard to these incroachments upon their lands, and they are giving me considerable trouble. How long I can keep them from committing any overt act of violence that may lead to a general outbreak is uncertain.

The white intruders are thoroughly armed and prepared for trouble with the Utes, which undoubtedly they anticipate. I think a military force is necessary here to maintain peace.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 3, 1878.

SIR: I have the honor to transmit herewith copies of letters of the 17th and 29th of April last, from Joseph B. Abbott, United States Indian Agent, Los Pinos Agency, Colorado, wherein he reports that he is informed that within the two weeks next preceding the date of 17th April, more than one hundred white men entered upon the reservation and located mines, staked ranches, &c.; that many were within "six to ten miles" of his agency, and many were squatting along the Gunnison and Grand Rivers.

In his communication of 29th April he represents that since his first letter the number of intruders has rapidly increased and that hundreds are prospecting for minerals, staking out ranches, &c.; that all the grass land available to his agency for hay has been occupied by them and that the Uncompahgre Park, from which the military were recently requested to remove intruders, has nearly all been inclosed by fences, and buildings are being erected for permanent occupancy. The agent reports the Indians to be very uneasy and expresses apprehension of possible violence which may lead to general outbreak, and states that the intruders are well armed and evidently came prepared for anticipated trouble.

The trespasses of whites upon the Ute Reservation in Colorado have heretofore been the subject of much correspondence and difficulty.

It is clearly the duty of the government to prevent these continuous incursions and to remove and punish those who, in violation of law and in contempt of repeated warnings, have failed and refused to leave the reservation. The present situation is of great importance, as it evidently indicates an organized determination to defy the law by an armed occupancy.

I earnestly recommend that the proper authority be at once requested for a sufficient military force to promptly remove all intruders, and that they be taken to the nearest civil authority to be proceeded against in due course of law, as provided by section 2150 Revised Statutes; and, further, that the honorable Attorney-General of the United States be asked to direct the district attorney to appear against said intruders when they shall have been apprehended, to the end that the full punishment provided by law may be secured.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 12, 1878.

SIR: I have to state for your information that First Lieut. L. H. Rucker, Ninth United States Cavalry, arrived at the agency on the 7th instant, with instructions to notify the settlers on the Ute Reservation to remove therefrom. A letter was written by me to Lieutenant Rucker as follows:

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 7, 1878.

First Lieut. L. H. RUCKER, *Ninth Cavalry:*

SIR: Your instructions relative to the removal of the squatters upon the Ute Reservation, requiring that you should receive a letter of authority from me, I have to request that you will, at your earliest convenience, direct each one of these settlers to move from off the reservation within ten days after notification has been given.

On the 10th instant Lieutenant Rucker, accompanied by the agency physician and myself, proceeded to the Uncompahgre Park and other places, and notified all the settlers that they must leave the reservation on or before the 20th instant.

Lieutenant Rucker remains at the agency, waiting to see whether or not the orders will be obeyed.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,

United States Indian Agent.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 13, 1878.

SIR: My action in regard to the removal of the squatters on the Ute Reservation has been met with such marked indignation on the part of the citizens of Ouray and other places, that I have come to the conclusion that it would be better to defer calling upon Lieutenant Rucker for troops until further instructions are received from the department.

The citizens express their opinion that it was not the intention of the department that action should be taken before the arrival of the commission which is to visit this place, and in their opinion they are joined by Lieutenant Rucker.

The matter has created great excitement in this section of the country, and it is commonly reported that when the word for troops to come is given, an Indian, or some Indians, will be shot, with the express purpose of precipitating trouble between the tribe and the whites.

It is my desire to avoid bloodshed as far as possible, and for this reason request that I may be advised as to whether it is the wish of the department that the removal should be immediate or action be deferred until after the arrival of the commission.

For my own part I think that the removal should be made at once, for the longer these people remain on the land the more attached do they become to it; but the opinion that I am acting arbitrarily appears to be so universal that it has seemed better to await further instructions.

I inclose herewith a copy of my letter to Lieutenant Rucker.

Very respectfully, your obedient servant.

JOSEPH B. ABBOTT,

United States Indian Agent.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 13, '78.

SIR: It having been represented to me that the *immediate* removal of squatters upon the Ute Reservation would certainly precipitate an Indian war, and probably be the cause of much waste of life and property, I have determined to defer calling upon you for troops until communication on the subject can be had with my superior officers.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,

United States Indian Agent.

First Lieut. L. H. RUCKER,

Ninth United States Cavalry.

UNITED STATES SENATE CHAMBER,

Washington, June 13, 1878.

SIR: I inclose you herewith a telegram just received from the people of Ouray, Colo. The removal is from the small piece of land extending south of the line of the reservation. There has been considerable correspondence between the settlers and the department concerning the occupation of this small piece of land. I think in view of the proposed negotiations with the Utes for the release of this portion of the reservation, the settlers ought not to be disturbed; if the Indians burn the buildings and the fences of the 30 settlers, it will, in spite of all efforts to the contrary by good men in Colorado, precipitate an Indian war. These settlers went into the land after it was excluded from the reservation, and believed it was government land, and now if the Indians destroy their buildings and farms they will doubtless retaliate by destruction of Indian property; the consequence can be readily foreseen. There is a large town near this tract of land, and the people do not believe that the terms of the treaty included it, and have always insisted, and I think rightly, that it ought not to have been included in the reservation. You have in your office many affidavits to show the good faith of the settlers in the matter, and I hope the order will be given to allow the settlers to remove until the Commissioner can treat with these Indians.

Respectfully, yours,

H. M. TELLER.

Hon. CARL SCHURZ,
Secretary of the Interior.

[Telegram.]

OURAY, COLO., June 11, 1878.

To JEROME B. CHAFFEE, HENRY M. TELLER, AND
THOS. PATTERSON, Washington :

Indian Agent Abbott and Captain Tucker notified settlers on four miles reservation that troops will remove them in ten days; also post-office and stage station. Indians threaten to immediately burn houses and fences. This will prevent fighting with Indians. Crops are all in. Thirty families will be paupered. Cannot order be suspended till treaty commissioners act?

ABRAM CUTLER.

P. S. HUBBERD.

WM. STORY.

F. W. PITKIN.

L. C. MCKINNEY.

RIPLEY BROS.

A. S. LONG.

Judge STEVENS.

HETCHER BROS.

OURAY TIMES.

T. J. MUNN.

A. W. STODDARD, P. M.

WAR DEPARTMENT,

Washington City, August 2, 1878.

SIR: I have the honor to transmit copy of indorsements relating to the communication from the Interior Department of April 22, 1878, requesting military aid for the removal of squatters from the Ute Reservation.

Very respectfully, your obedient servant,

C. H. CARRINGTON,

*Acting Chief Clerk,**For the Secretary of War, in his absence.*

The Hon. SECRETARY OF THE INTERIOR.

[Indorsements (with their inclosures) on 2957, A. G. O., 1878; communication dated April 22, 1878, from Interior Department, requesting, at instance of Indian Bureau, that proper military authorities be directed to assist Agent Joseph B. Abbott in the removal of squatters from the lands of the Utes, viz, Uncompahgre Park, Colorado.]

[First indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, May 4, 1878.

Respectfully referred to Gen. P. H. Sheridan for such action as his judgment approves, consistent with the troops at his command available in connection with other similar duties requested by the Indian Bureau.

Return these papers with report.

W. T. SHERMAN,
General.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, May 11, 1878.

Respectfully referred to the commanding general Department of the Missouri for such action as he may deem best.

By command of Lieutenant-General Sheridan.

W. D. WHIPPLE,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., May 15, 1878.

Respectfully referred to the commanding officer District of New Mexico, who will take such action as the case may require and the interests of the service will allow.

These papers to be returned with report in relation to this matter and of the action taken.

By command of Brigadier-General Pope.

E. R. PLATT,
Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
ACTING ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Santa Fé, N. Mex., May 23, 1878.

Respectfully referred to Lieut. L. H. Rucker, R. Q. M. Ninth Cavalry, Santa Fé, N. Mex., for action under the instructions contained in letter of this date from this office, accompanying.

These papers to be returned with report of action taken.

By command of Colonel Hatch.

JOHN S. LOUD,
First Lieutenant and Adjutant Ninth Cavalry,
Acting Assistant Adjutant-General.

(First inclosure.)

HEADQUARTERS DISTRICT OF NEW MEXICO,
ACTING ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Santa Fé, N. Mex., May 23, 1878.

SIR: The district commander directs that you proceed at once in compliance with paragraph 1, Special Orders No. 47, current series, from

these headquarters to the Los Pinos Indian Agency, Colorado. The papers relative to the removal of squatters from lands—Uncompahgre Park—of the Utes, this day referred to you, will explain the necessity of taking action upon the request of the Indian Department for the removal of the unauthorized settlers who have squatted upon the Ute Reservation. You will call upon the Indian agent informing him that you are there to enforce the removal of the settlers so encroaching, and obtain from him a letter of authority for the same. The letter should state distinctly whether it is to be immediate, or state the time that he may determine for the ejectment of the settlers. Upon this authority you will act promptly. It is believed that when this duty has become imperative, and you have firmly impressed upon the settlers that to carry out the order you are left no other alternative but to remove them, they will remove without the necessity of resorting to forcible measures.

Should, however, this emergency arise, you are authorized to instruct the detachments sent by Major Morrow, commanding Ute expedition to that region, to enforce the same under such instructions as you may give them. If troops are not present you are empowered to draw upon Major Morrow for Company K, Ninth Cavalry. This company belonging to the post of Fort Garland, you will draw on that post for supplies for that company, and if forage can be purchased at reasonable rates, authorize the company commander to purchase what forage is necessary, sending his vouchers to these headquarters for approval of the district commander. Use proper delicacy in the ejectment of these settlers, but with a firmness that cannot be misconstrued tending to any impression that the order is not to be enforced settling the question definitely. You are also authorized to obtain the necessary transportation from Fort Garland, and an escort not to exceed four enlisted men. Your presence may, in all probability, be sufficient to complete the removal which should be final.

You will forward a full and complete report to this office from Fort Garland of your action under these instructions.

In discharging the duty assigned you, you are authorized, as before mentioned, to call upon the troops for co-operation to carry out your instructions, and your orders to them will be given by command of the district commander.

Very respectfully, your obedient servant,

JOHN LOUD,
First Lieutenant and Adjutant Ninth Cavalry,
Acting Assistant Adjutant-General.

Lieut. L. H. RUCKER,
Regimental Quartermaster Ninth Cavalry, Santa Fé, N. Mex.

Official copy:
C. A. STEDMAN,
First Lieutenant Ninth Cavalry, Acting Assistant Adjutant-General.

[Fifth indorsement.]

FORT GARLAND, COLO., June 22, 1878.

Respectfully returned to Acting Assistant Adjutant-General District New Mexico, with report inclosed.

L. H. RUCKER,
First Lieutenant, Regimental Quartermaster Ninth Cavalry.
(Three inclosures.)

FORT GARLAND, COLO., *June 22, 1878.*

SIR: In compliance with instructions contained in your letter of the 23d ultimo, I have the honor to report the following:

On arriving at Los Pinos Indian Agency, June 7, after showing my instructions to Mr. Abbott, Indian Agent, I received a communication from him (herewith inclosed, marked A) requesting that the settlers on the Indian Reservation be notified to vacate the same within the time specified.

On the 10th instant, in company with Mr. Abbott, I visited all the settlers in the Uncompahgre Park, and directed them to leave on or before the 20th instant.

On the 13th instant I received a second communication from Mr. Abbott (inclosed herewith, marked B), on strength of which I returned to this post. It is my belief that the settlers would have left the reservation without resorting to forcible means, but would not remain off without the presence of troops.

Respectfully submitted.

L. H. RUCKER,

First Lieutenant, Regimental Quartermaster Ninth Cavalry.

ACTING ASSISTANT ADJUTANT-GENERAL,

District New Mexico, Santa Fé, N. Mex.

A.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 7, 1878.

SIR: Your instructions relative to the removal of the squatters upon the Ute Reservation, requiring that you should receive a "letter of authority" from me, I have to request that you will, at your earliest convenience, direct each one of these settlers to remove from off the reservation within ten days after notification has been given.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,

United States Indian Agent.

First Lieut. L. H. RUCKER,
Ninth Cavalry.

B.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, June 13, 1878.

SIR: It having been represented to me that the *immediate* removal of the squatters upon the reservation would certainly precipitate an Indian war, and probably be the cause of much waste of life and property, I have determined to defer calling upon you for troops until communication on the subject can be had with my superior officers.

Very respectfully, your obedient servant,

JOSEPH B. ABBOTT,

United States Indian Agent.

First Lieut. L. H. RUCKER,
Ninth United States Cavalry.

[Sixth indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
Santa Fé, N. Mex., July 15, 1878.

Respectfully returned through the assistant adjutant-general, Department of the Missouri. Lieut. L. H. Rucker, Ninth Cavalry, was duly instructed to carry out the removal of settlers when directed to do so by the United States Indian agent at Los Pinos Agency, which removal was postponed to await instructions from the Secretary of the Interior, and is now postponed until session of commission appointed under act of Congress approved May 3, 1878. Attention invited to copy of letter of instruction to Lieutenant Rucker of May 23, 1878, herewith.

EDWARD HATCH,
Colonel Ninth Cavalry, Commanding.

[Seventh indorsement.]

HEADQUARTERS DEPARTMENT OF MISSOURI,
Fort Leavenworth, Kans., July 23, 1878.

Respectfully returned to the Adjutant-General of the Army (through headquarters military division of the Missouri), inviting attention to inclosed report of Lieutenant Rucker.

JOHN POPE,
Brevet Major-General, U. S. A., Commanding.

[Eighth indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, July 26, 1878.

Respectfully forwarded to the Adjutant-General of the Army.
 In the absence of the Lieutenant-General commanding.

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Ninth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, July 30, 1878.

Respectfully forwarded to the honorable Secretary of War, inviting his attention to the inclosed report of Lieutenant Rucker, of June 22, 1878, with inclosures A and B.

W. T. SHERMAN, *General.*

[Tenth indorsement.]

Official copy.

R. C. DRUM,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *July 31, 1878.*

The Hon. the SECRETARY OF THE INTERIOR.

OURAY COLO., *September 20, 1878.*

DEAR SIR: On the 21st of last month I wrote you making a suggestion with regard to the hot springs situated on the four-mile reservation nine miles from this place. I mentioned that if the suggestion was of any importance I should be glad, but if it was not, I asked that you throw it into the waste-basket. I notice a communication in the last issue of our paper, published by Dr. Mekinsey, which please find inclosed. This leads me to make a suggestion, which, as said before, if of any consequence, I shall be satisfied; if not, throw it in the waste-basket. I have no special interest in this matter except as a citizen, and wishing to have that done which is for the best. I have been here over a year, and have been a constant listener to all parties and all sides. I inclose a sketch of the whole Uncompahgre River, which is quite imperfect, but will enable me to explain myself.

In the treaty, as you well know, made with the Ute Indians some five years ago, the line was fixed at 10 miles north of the thirty-eighth parallel of latitude. It was understood by the commissioners that the hot springs and the Uncompahgre Valley should be included in the reservation. Upon running the line and setting the posts, the spring and a valley six miles long and averaging two miles wide were found to lie on the ceded lands. Upon this being made known to your predecessor, he recommended to President Grant to issue a proclamation declaring four miles square, which should include this spring and the larger portion of this valley, to belong to the reservation and not to the ceded lands. I will not say a word or make an intimation whether this was right or wrong or whether wise or unwise; I will only allude to results.

As soon as the government surveyors had run the line and setting the posts, all or nearly all of the good land in this four-mile tract was taken up and settled upon by actual settlers, mostly with families. Cabins were built, a saw-mill erected just beyond the line, a post-office established near the hot spring, and the land cultivated. The proclamation of President Grant came and it caused much feeling and dissatisfaction. Major Wheeler, the Indian agent, in accordance with his instructions, ordered the settlers off, which they refused to obey. Troops were sent from Fort Garland, a distance of 250 miles, to remove the settlers. Then came your proclamation to let the settlers remain until October. The troops returned to Fort Garland. Petitions were then circulated for the removal of Major Wheeler from the agency. I think the principal complaint against him was that he was too liberal and drank too much whisky. During the last spring Major Wheeler was removed and Mr. Abbott was appointed. They now begin to complain of him; that he is too close and does not drink whisky enough. Last winter quite an amount of money was raised to send Dr. Mekinsey to Washington to assist in getting Congressional legislation to make a new treaty with the Indians. Numerous letters were written to Senators Chaffee and Teller, also to Representative Patterson; and many who had come here from different States wrote to those they knew in Congress asking their aid in this matter. When the time mentioned in your proclamation expired the settlers refused to move away. Our people became alarmed, fearing the Indians would make trouble. Two military companies were organized, and a hundred guns sent from the State armory at Denver for the use of these companies. One night last February nearly twenty Indians staid here in Ouray, and many of our people quietly kept watch. Very soon after Mr. Abbott came and took charge at the agency he, with an Army officer, ordered the settlers off. Immediately messengers, letters, and telegrams were sent and you were earnestly besought to rescind the order.

The bill authorizing a new treaty with the Indians is much more familiar to you than myself. The commissioners were appointed, and two of them, Mr. McFarland and General Hatch, were here. I spent an evening with them. I was much pleased with Judge McFarland. Mr. Brolaski, formerly of Saint Louis and now residing at Washington, had sent me a set of Hayden's maps. The next morning Mr. McFarland came to my office and examined them. I told him how anxious our people were to get the four-mile tract ceded, and also would be glad to have the twenty-mile strip west of us and ten miles from east to west of the south part of the reservation treated for and secured as ceded lands. This would entirely satisfy our people. This would leave the Los Pinos Agency and Chief Ouray and his Indian tribes undisturbed. We learn that nothing was accomplished with Ouray and his chiefs. This we regret, and I have no doubt you are tired of this matter. It has already cost much money and not as yet ended.

What I wish to suggest is, that if you and the President decide to withdraw these hot springs and include four square miles, could you not at the same time let the remainder of this four-mile tract become a part of the ceded lands, and that will end all this controversy and annoyance. Our people would be satisfied to have the springs withdrawn. I met yesterday a prominent man living two miles this side of the spring. He said he heartily approved of withdrawing the springs, as they were valuable and ought to be controlled for the public good. In the paper slip inclosed it says that the most valuable portion of that strip will be taken in the new reservation. This a mistake. East of the spring and close by is the mountain; on the north, where it is not mountain, it is low and wet; on the south is part mountain and part good land; on the west the land is excellent. Nearly all of the good land included in the four-mile tract is outside of the four square miles, hot-spring tract. If you can withdraw the four square miles hot-spring tract, and declare the remaining twelve square miles to be ceded lands, it will end all this controversy and expense.

I think one argument used to induce your predecessor to declare this four-mile tract to belong to the reservation was that it was a part of the great Uncompahgre Park. Owing to the limited knowledge of this country at that time, it was difficult to tell how it was. The Uncompahgre Park commences at the Gunnison River and extends to some five miles south of the agency, where the mountains come near together and force the road across the river, and they continue near the river for eight or ten miles, and then the Dallas Valley comes in from the southwest; and this reservation park of six miles long by an average of two miles wide is located from this point, running south; and four miles farther south is another little park of a mile long and one-half mile wide, where the town of Ouray is located. This four-mile tract has nothing to do with the main Uncompahgre Park which the Indians occupy, and is from eight to ten miles away from it.

I will say a word personally, and then close. I came here a year ago last May to endeavor to make the money back that I had lost in the great Saint Louis bridge, amounting to many thousand dollars. If in any of these matters I can aid you I shall be glad to do so, and if you can turn any thing in my favor I shall be greatly obliged.

Very respectfully, yours,

JOSIAH FOGG.

Hon. CARL SCHURZ,
Secretary of the Interior.

[Scrap from paper published at Ouray.]

HOT SPRINGS WITHDRAWN.

A few days ago a gentleman of this place received a letter from the General Land Office, and from a gentleman in authority of his acquaintance, in which statements were made looking to an early withdrawal from the reservation and from settlement of four square miles in the park. This action would make the hot springs at A. H. Jarvis's place the center of the territory to be withdrawn from market at any subsequent time, as well as from the Ute Reservation. This action will go far to towards settling the question in regard to the four-mile strip, about which so much has been said and written, as the most valuable portion of that strip will be taken in the new reservation. It has seemed to be the policy of the department to secure all the hot springs to the government, and giving in some places a very large amount of land with them. The hot springs in the National Park, on the Lower Yellowstone, first attracted the attention of the agents of the government to that section, and it was these and the inaccessibility of the place that caused their withdrawal from settlement. The Yosemite Falls and Valley were settled years ago by Mr. Hutchins, and he claimed 160 acres of land there. Years afterwards an agent of the government suggested its withdrawal from settlement. The occupant appealed to the department, but lost his claim. A much larger territory was withdrawn in that case than is proposed to be withdrawn in the case of the Umcompahgre Hot Springs. The hot springs of Elko, Nevada, the Harbin and Bartlett Springs in California, are now being passed upon. It is supposed that in a few months, after the largest hot springs have been withdrawn from settlement, a general law will be passed declaring all hot springs and a certain amount of land not open to settlement.

If this is to be the policy of the government, it is better by far that this should be done than to have such action as has been had at Pagosa Hot Springs and at the Arkansas Hot Springs.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1879.

SIR: I transmit herewith, for examination and recommendation, with a view to its proper submission by the President to Congress, the report, dated the 27th ultimo, of the Ute commission appointed under act of May 3, 1878, which report, with its inclosures, has been informally filed in the department by Colonel Edward Hatch, United States Army, chairman of the said commission.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

WASHINGTON, D. C., *December 27, 1878.*

The PRESIDENT :

The undersigned beg leave to report that, by authority of an act of Congress approved May 3, 1873, Edward Hatch, William Stickney, and N. C. McFarland were appointed by yourself a commission to negotiate with the Ute Indians, the purpose of which fully appears by instruc-

tions issued June 29, 1878, from the Department of the Interior, which instructions are as follows :

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 29, 1873.

SIR: By direction of the honorable Secretary of the Interior, you were notified, by letter from this office dated May 24 last, that the President had designated you, Hon. William Stickney, of this city, and N. C. McFarland, of Topeka, Kans., to act as a commission to visit and endeavor to secure from the Ute Indians in the State of Colorado their assent to the provisions of an act of Congress approved May 3, 1878, authorizing negotiations with the said Indians for the consolidation of all their bands at one agency, to be located on or near White River, and for the extinguishment of their right to the southern portion of their reservation in said State.

Each member of said commission having signified his acceptance of said appointment, the following detailed instructions are given for the guidance of the commission in the performance of its duties under said act.

The commission will convene at Fort Garland, Colo., at the earliest date practicable; thence proceed without delay to the Los Pinos Agency, and, after consultation with the agent in charge thereof, assemble all the different bands of said Indians in open council, at such time and place as you may deem most convenient and desirable for the accomplishment of the object of the commission.

Agents N. C. Meeker, of the White River Agency, Joseph B. Abbot, of the Los Pinos Agency, and F. H. Weaver, of the Southern Ute Agency, have each been notified of your appointment, and instructed to afford you all the assistance in their power in securing a full attendance of the different bands of Utes, and in the promotion of the objects of the negotiations. Agent Abbott has also been instructed to provide the necessary subsistence for the Indians during the council.

You will fully explain to said Indians, when assembled in council, the purport of said act, and the object of your visit to them, taking care in all cases that you shall be clearly understood by them.

The precise objects of your negotiations are set forth in the bill, which is as follows: "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians in the State of Colorado for the consolidation of all the bands into one agency, to be located on the White River, or near said river, and for the extinguishment of their right to the southern portion of their reservation in said State, and to report his proceedings under this act to Congress for its consideration and approval."

It is the desire of the department to allow you the largest latitude in conducting your negotiations. You will, therefore, take the act as your guide, and make such an agreement with the Utes as you may be able, and may consider to the best interest of the government and the Indians. Any arrangement or agreement entered into with said Indians for the cession of any portion of their reservation should be executed and signed by at least three-fourths of the adult male Indians occupying or interested in the same; and in every instance the assent and concurrence of at least a majority of each and every band of said Ute Indians is requisite to give validity to the results attained through your negotiations.

To avoid any possible difficulty or misunderstanding in the future, you are instructed to make every effort and use every reasonable inducement to secure unanimity on the part of the Indians in the approval of any cession or agreement that may be made.

Particular care will be exercised, in selecting a location for the future settlement of these Indians, to secure a sufficient quantity of arable land to enable them to become, by agricultural pursuits, a self-supporting people. You are instructed to thoroughly impress upon the minds of the Indians the fact that any agreement entered into by them will be binding only upon its ratification by Congress.

Any agreement entered into will be signed by the Indians, as hereinbefore directed, and by each member of your commission, and you will transmit the same to this office, with a detailed report of your action in the premises, and such recommendations upon the subject as you may deem fit and proper.

I inclose herewith a copy of the treaty of 1868 creating the Ute Reservation; of the Brunot agreement of 1873 (ratified by Congress April 29, 1874), reducing the area thereof, and of a map showing its present boundaries; and the said act of Congress of May 3, 1878.

You will each be allowed a compensation of \$10 per day and your necessary expenses well engaged upon this duty.

Very respectfully, your obedient servant,

WM. M. LEEDS,
Acting Commissioner.

Bvt. Maj. Gen. EDWARD HATCH,
Ninth Cavalry U. S. A., Santa Fé, N. Mex.

William I. Stickney was appointed by the Secretary of the Interior clerk of the commission.

On the 19th of July, 1878, William Stickney and W. S. Stickney left Washington, and were joined July 23 by N. C. McFarland at Topeka, Kans., and by Edward Hatch at Manitou, Colo., on the 27th.

The commission organized at Manitou, July 30, 1878, by appointing Edward Hatch chairman; all the commissioners and clerk present.

At Manitou William Stickney, suffering from indisposition, deemed it inadvisable to proceed with the commission, and resigned his position, which resignation was accepted, and Lot M. Morrill, being there present, was appointed in his place.

The commission having been directed to go to the Los Pinos Agency by way of the Southern Ute Agency, proceeded by rail to Alamosa, Colo., and after making preparations, on the 8th of August started for the last-named agency.

Before leaving we engaged Col. Albert H. Pfeiffer, who had previously for a long time resided with the Indians, and in whom they had confidence, to act as interpreter and to assist generally in promoting the objects of the commission.

It is but due to Colonel Pfeiffer to say that his services were of great value. He knows nearly all the Southern Utes personally, and had a good influence in conducting the negotiations.

On the third day out, Mr. Morrill, suffering from ill-health, returned to Fort Garland. This was considered by the other members of the commission as very unfortunate in the prosecution of its business.

On our way we came up with the Muache band of Indians, who were removing from the Cimarron country in New Mexico to the vicinity of the Southern Ute Agency.

On the 14th of August we arrived at the Southern Ute Agency and found some of the Indians present, who stated that it would take a week to summon a council. We had made all the arrangements in our power, and supposed others had been made, to have the Indians meet us on or soon after our arrival, but in this we failed. We also expected to find arrangements made so that we could pay the Indians something on indebtedness then existing, arising from the purchase of the San Juan mining country by the Brunot agreement of September 13, 1873; but we found no such arrangements had been made.

Such proceedings were then had that on three different days we held councils with the Muache, Capote, and Weeminuche bands. They insisted that they had been overreached in the agreement of 1873; that they had intended to sell nothing but the minerals; that the government had not complied with the agreement; that they understood that a large amount of money was to be paid the Utes yearly; and that so far as they were concerned they had received nothing.

They absolutely declined to go into a general council at the Los Pinos Agency; said they would not go to White River to live; did not wish to part with their present possessions; and asked that the government should pay what it had promised. They claimed that their country was overrun with stock, and that they were thus deprived of their grass; but we were informed and believe that some of the stockmen had an understanding with the Indians that they should be allowed pasturage on the land by the payment of nominal sums. We are of opinion that this class of stockmen seriously impeded negotiation on account of their interest in having the Indians remain in their present location.

From actual observation it became apparent to us that the Indians could not longer remain on the narrow strip composing the southern

part of their reservation without more or less collision with the settlers closing in on both sides, but they refused to take action.

In the mean time we suggested that perhaps they would be more inclined to remove to the east, on the headwaters of the Chama, Navajo, Blanco, and San Juan Rivers, a country in which there is good grass, and but little encroached upon at present with settlers. To this they replied that if they moved at all they would go there. By authority given us, we made them presents, in such articles as we deemed most useful, to the amount of \$866.62, and leaving Colonel Pfeiffer to ascertain what they might say on further consideration, we left for the Los Pinos Agency.

We may here remark that one great difficulty in negotiating with the confederated bands of Utes consists in the fact that they hold the reservation in common, and yet, as between themselves, they have by common consent made partition of the Territory, and utterly refused to come together for conference. This makes it necessary to treat with them in detachments; and this plan is further hindered by the fact that there is considerable hostility between Ignacio, chief of the Weeminuches of the Southern Utes, and Ouray, chief of the Tabeguaches at Los Pinos Agency.

By the agreement of Brunot of 1873, Ouray seems to be recognized as head chief of all the Utes; but, as a matter of fact, the Southern Utes utterly repudiate him, and he has no influence with or control over them. The fact that he was, by the Brunot agreement, to receive \$1,000 per annum for ten years greatly incensed other Indians, who claim that they would not have signed the agreement had they so understood it. We further suggest, in passing, that the buildings at the Southern Ute Agency have never been completed; no floor has been laid, and they are scarcely habitable.

Proceeding by way of Animas City, Silverton, and Ouray, we arrived at the Los Pinos Agency, on the Uncompahgre, on the 29th day of August. Here we had several conferences with the Tabeguaches, who said they had no claim on the land south of the San Juan mining country, and would agree to anything that the Indians occupying that part of the reservation might do in respect to the sale of it. We found that trouble had arisen and more was likely to grow out of a tract of the reservation which juts down into that portion ceded to the government by the agreement of 1873, which is a part of the Uncompahgre Park, and which lies near the town of Ouray. The arable portion of this tract is very valuable, and it is the only land near Ouray capable of furnishing grain and vegetables. This portion is already occupied by settlers who are cultivating it. The Indians demanded that the settlers should be removed. We explained to them the necessity that existed for the cultivation of this land, and endeavored to purchase it, but they said they had no land to sell to people who would not pay for what they had bought before.

We had requested the White River Utes to meet us here, and few of them, accompanied by Capt. U. M. Curtis, interpreter, came. They also said they had no claim on the southern part of the reservation, and would do anything necessary to relinquish their title. We instructed Captain Curtis to make preparations for the purchase of \$500 worth of goods for them, which we would thereafter cause to be distributed.

Finding nothing more could be accomplished, the two acting commissioners returned to Fort Garland and joined Mr. Morrill. There we found Colonel Pfeiffer, who had returned from the Southern Ute Agency with a proposition in writing from the Muache, Capote, and Weemi-

nuche bands, which is, in substance, that they were willing to exchange their lands for location on the headwaters of the Piedra, San Juan, Navajo, Blanco, and Chama Rivers, on such terms as might be agreed upon, provided the government would pay them the previous indebtedness. The proposition, as forwarded by the Indians, is hereto attached, marked O.

Mr. Morrill being desirous of returning home, was requested to go to Washington, report to the department, and make arrangements for money, if the proposition should be favorably received, and the commission adjourned to Denver.

The commission did not deem it necessary to visit the White River agency, but instructed Mr. Stickney, clerk to the commission, with Lieut. C. A. H. McCauley, who had been detailed to render us any proper assistance as escort, to proceed to that agency, and also to the Uintah Reservation in Utah, to procure the relinquishment of the Indians there to any rights they might have to the southern portion of the reservation in Colorado, and to report generally in relation to the White River country and the condition of the agency and the Indians. The report of Mr. Stickney, with the release and relinquishment, is herewith submitted, marked P; and the separate report of Lieutenant McCauley, with accompanying drawings and maps, is also submitted, marked Q.

The Department of the Interior, having signified its approval of the action of the commission, placed at its disposal \$28,000, with instructions to pay \$17 per capita to such of the Utes as would agree to relinquish their rights to the southern portion of their reservation.

It was determined to secure \$20,000 from the Carson mint in standard silver dollars. Permission was granted by the Secretary of the Treasury, and after some delay, caused by the necessary time to procure the silver, the commission started for Poyosa Springs, whither it had summoned the Indians for further council.

In the mean time Mr. Stickney, escorted by Lieutenant McCauley, was detailed to the Los Pinos Agency to secure in writing the consent of the Tabeguaches to the proposed exchange by the Southern Utes, and, if possible, to purchase the tract of four miles square above mentioned. He succeeded in obtaining such written consent, which is herewith submitted with his partial report, marked R. The delegation of six Indians from the Tabeguaches, referred to in Mr. Stickney's report, is now here for the purpose of negotiations.

Arrived at Poyosa Springs, we succeeded, after further delay, in securing the attendance of the Indians, and such proceedings were then had as resulted in the execution of the agreement herewith submitted, marked S. We also obtained as complete an enumeration as possible of the names, sex, and age of the persons composing the Muache, Capote and Weeminuche bands, which is also herewith submitted, marked T.

We paid, as instructed, \$17 to each man, woman and child; in case of families, to the head thereof, and to lone and single persons of full age individually; in all to the number of 902, taking the proper receipts therefor.

An account of the moneys received for payment to the Indians, and the expenditure thereof by the chairman of the commission, to whom the same was intrusted, is also herewith submitted, and also the account of the clerk of the commission relating to the expenditure of the fund appropriated by Congress for the use of the commission, of which he was constituted by the department disburser.

It will be seen, then, by this report, if it shall be confirmed—

First. That the Southern Ute Indians, to wit, the Muache, Capote, and Weeminuche bands, have released to the United States all their right to and interest in the Confederated Ute Reservation in Colorado.

Second. That the other Ute bands, to wit, the Tabeguache, Yampa, Grand River, and Uintah, have released to the United States all their right and title to that part of the reservation lying south of parallel 38.10, except the said four miles square.

Third. That the amount of land to which the title is fully secured is 1,920,000 acres.

Fourth. That the President is to define the boundaries of a new location on the headwaters of the Piedra, San Juan, Navajo, Blanco, and Chama Rivers, in Colorado, with an agency to be established thereon.

Fifth. That the said three bands of Southern Utes have been paid \$17 per capita on the indebtedness arising out of the Brunot agreement of 1873, amounting to \$15,334.

And, in conclusion, we beg leave further to say, that we have seen a considerable portion of the territory to which it is proposed to remove the Southern Utes, and found it to contain plenty of pasturage, with more arable land in the valleys than the Indians will be likely to cultivate, and that much of the territory relinquished will be eagerly sought after by settlers, some of whom have already turned their attention in that direction; that the buildings at the Southern Ute Agency are of but little value, and the loss from their abandonment will be trifling; that the new agency, to be located probably on the Navajo, will be much nearer railroad, and consequently the transportation of supplies will be greatly cheapened and quickened. The new reservation need not consist of more than 500,000 acres.

We believe that the three bands called Southern Ute Indians compose about one-third of the whole Ute tribe, and that in all they do not exceed three thousand. If this arrangement is completed, it will leave not more than fifteen hundred Indians occupying the remainder of the reservation in Colorado, of which there will still be left about 10,000,000 acres, for it is to be remembered that there are about five hundred Uintahs in Utah. This reservation should be greatly reduced, and the remaining Indians, if possible, consolidated at one agency. There is more disposition among them to unite than there is in any portion of them uniting with the Southern Utes. The amount remaining due these Indians on the Brunot agreement should be paid them at once, and it is probable that they may be quite willing to take part of it in stock, particularly sheep, and other articles which would be useful to them.

It may not be necessary to say that large numbers of our citizens are locating, and desirous of locating, in the mountainous districts of Colorado, not only for mining but also for agricultural purposes.

If we have not been able to effect the consolidation of agencies so much desired and so very desirable, we think we have averted dangers, which were threatening and imminent to the Indians and settlers.

The non-military members of the commission desire to mention the attention and kindness everywhere shown by the Army, and to recognize the substantial aid which it afforded in the progress of our business.

All of which, with the minutes of the commission, is respectfully submitted.

EDWARD HATCH,
Colonel Ninth United States Cavalry, Brevet Major-General, Chairman Commission,
N. C. McFARLAND.

We, the chiefs and headmen of the Weeminuche, Capote, and Muache bands of Ute Indians, hereby agree to remove from our reservation under the following conditions this day proposed by us:

I. That we unanimously agree to sell the reservation which we now occupy, the price of which shall be determined by the commission and the Utes.

II. That the boundaries of the territory hereafter to be occupied by us shall include the headwaters of the Rio Navajo, Rio Blanco, Rio San Juan, Rio Piadra, and Rio Los Pinos.

III. That the agency be removed to the Rio Navajo, at or near the crossing of the upper wagon-road.

IV. That eighty thousand dollars, now due, be paid us before our settling upon the new territory to be occupied by us.

(Signed:)

- | | |
|-------------------------|---------------------------|
| 1. Ignacio, x W. | 26. Ancapoor, x M. |
| 2. Aguila, x M. | 27. Mocutche, x W. |
| 3. Sevaro, x C. | 28. Martin, x M. |
| 4. Cabozon, x W. | 29. Watsup, x W. |
| 5. Alehandro, x W. | 30. Hatchup, x W. |
| 6. Colorado, x W. | 31. Lowiar, x W. |
| 7. Sapoonawaitz, x W. | 32. Kunapitz, x W. |
| 8. Chooez, x C. | 33. Sai-wai-i-patch, x C. |
| 9. Italian, x C. | 34. Captain John, x M. |
| 10. Tumpiatche, x C. | 35. Juan, x C. |
| 11. Taputche, x C. | 36. Charley, x M. |
| 12. Sopatar, x C. | 37. Chiritz-Ignacio, x M. |
| 13. Conajo, x C. | 38. Augustin, x M. |
| 14. Pelon, x C. | 39. Quiche, x C. |
| 15. Charitz, x M. | 40. Alanrauca, x W. |
| 16. Felipe Martin, x M. | 41. Tosah, x W. |
| 17. Passagouche, x W. | 42. Quartro, x W. |
| 18. Thoma, x M. | 43. Sima, x C. |
| 19. Ecedro, x W. | 44. Juan Ancho, x C. |
| 20. Juan Antonio, x M. | 45. Padre, x C. |
| 21. Padre Leon, x W. | 46. Vicente, x C. |
| 22. Nutria, x W. | 47. Juanico, x C. |
| 23. Clewato Viejo, x W. | 48. Morutz, x W. |
| 24. Washington, x C. | 49. Kannaatche, x C. |
| 25. Coronea, x C. | 50. Tomapi, x W. |

SOUTHERN UTE AGENCY, COLORADO,

August 28, 1878.

We, the undersigned, certify that we were present and are witnesses to the signatures by most of the Indians, from No. 1 to No. 50, inclusive, to the foregoing propositions, four in number, and that they were read in their presence and understood by them.

M. H. PFEIFFER,

Interpreter Special Ute Commission.

THOMAS M. F. WHITE,

Interpreter.

DONALD McINTYRE.

JAMES P. POLLOCK.

I certify, on honor, that the above propositions were twice read and fully explained in the presence of those whose signatures, by mark, are appended, and that they acknowledged the same to be fully understood by them.

F. H. WEAVER, [SEAL.]

United States Indian Agent.

SOUTHERN UTE AGENCY, COLORADO,

August 28, 1878.

A.

WHITE RIVER AGENCY, COLORADO,

September 18, 1878.

We, the undersigned chiefs and headmen of the Yampa and Grand River Utes of the Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuches, and their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

- | | |
|--------------------------------|------------------------------|
| 1. Jack, his x mark. | 18. Sagowach, his x mark. |
| 2. Dorytos, his x mark. | 19. Johnson, his x mark. |
| 3. Somerick, his x mark. | 20. Unceepis, his x mark. |
| 4. Colorado, his x mark. | 21. Dana, his x mark. |
| 5. Washington, his x mark. | 22. Cotump, his x mark. |
| 6. Ebenezer, his x mark. | 23. Sariets, his x mark. |
| 7. Judge, his x mark. | 24. Guero, his x mark. |
| 8. Yramina, his x mark. | 25. Rainbow, his x mark. |
| 9. Unca Chief, his x mark. | 26. Ike, his x mark. |
| 10. Jim, his x mark. | 27. Tomozo, his x mark. |
| 11. Tsaquroich, his x mark. | 28. Patchuniask, his x mark. |
| 12. Charvis, his x mark. | 29. Yurgo, his x mark. |
| 13. Arapahoe Joe, his x mark. | 30. Bill Hunt, his x mark. |
| 14. Tsausauricket, his x mark. | 31. Apah, his x mark. |
| 15. Ooruvich, his x mark. | 32. Ahwitz, his x mark. |
| 16. Papita, his x mark. | 33. Uncapashet, his x mark. |
| 17. Sowpatch, his x mark. | 34. Quinkent, his x mark. |

WHITE RIVER AGENCY, COLORADO,

September 18, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing, and that they understood it just as it is written.

U. M. CURTIS,

Interpreter for the Ute Special Commission.

WHITE RIVER AGENCY, COLORADO,

September 18, 1878.

We, the undersigned, were present at the signing of Yampa and Grand.

The above document by the [Yampa and Grand] River Indians, and are hereby witnesses to their marks.

WM. S. STICKNEY,

Secretary Ute Special Commission.

The above interlineation in brackets, viz, "Yampa and Grand," was made before signing.

C. A. H. McCAULEY,

*Second Lieutenant Third Artillery, Acting Second Engineer, U. S. A.,
on duty with Ute Commission.*

UINTAH VALLEY AGENCY, UTAH,

October 31, 1878.

We, the undersigned chiefs and headmen of the Uintah band of Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuches, and their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

- | | |
|--|---------------------------------|
| 1. Talby, chief, his x mark. | 8. Bob Ridley, his x mark. |
| 2. Tuckawana, his x mark. | 9. Mountain, his x mark. |
| 3. Antero, his x mark. | 10. Robinson, his x mark. |
| 4. Yank, his x mark. | 11. Mountain Sheep, his x mark. |
| 5. David, his x mark. | 12. Sours, his x mark. |
| 6. Wanrodes, interpreter, his x
mark. | 13. Jim Duncan, his x mark. |
| 7. Cutlip Jim, his x mark. | 14. Louey, his x mark. |
| | 15. Atriner, his x mark. |

I hereby certify, on honor, that I have explained to the Indians the meaning of the foregoing paper which they have signed, and that I have witnessed said signatures.

his
WANRODES, + *Interpreter.*
mark.

OCTOBER 31, 1878.

We hereby certify, on honor, that we were present and witnessed the signatures of the Indians, from No. 1 to No. 15, to the foregoing agreement.

HENRY FITZHUGH.
EDWARD F. AYER.

OCTOBER 31, 1878.

B.

LOS PINOS INDIAN AGENCY, COLORADO,

November 11, 1878.

We, the undersigned chiefs and headmen of the Tabeguache tribe of the Ute Nation, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuches, and their representative bands may make of that part of the Ute reservation immediately south and west of the San Juan mining district.

- | | |
|--------------------------------|----------------------------------|
| Sapovaner, his x mark. | Mee-poo-seis, his x mark. |
| Billy. | Ah-cah-poor-kwetele, his x mark. |
| Shavano. | Cojo Chequito, his x mark. |
| Wass. | Nah-ootch, his x mark. |
| Tom. | See-up, his x mark. |
| Sam. | Ai-as-ket, his x mark. |
| Colorado Chequito, his x mark. | Sang-toos, his x mark. |
| Colorado Grande, his x mark. | Tu-goo-rutch, his x mark. |
| Tomasaraka, his x mark. | Wah-up-wuit, his x mark. |
| Sagebush, his x mark. | Paw-till-on, his x mark. |
| Johnson, his x mark. | Ki-oots, his x mark. |
| Mah-av-is, his x mark. | |

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing, and that they understood it just as it is written.

JESUS MORENO,
Interpreter for the Agency.

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

We, the undersigned, were present at the signing of the above document by the Tabeguache tribe of Ute Indians, and are hereby witnesses to their names.

WM. S. STICKNEY,
Secretary Ute Special Commission.
JOSEPH B. ABBOTT,
United States Indian Agent.

WASHINGTON, D. C., December 25, 1878.

GENTLEMEN: On the 22d day of October I received the instructions appended as paper marked A, from General Hatch, chairman of the commission.

The following is therefore submitted as my partial report:

I left Alamosa, accompanied by Lieut. C. A. H. McCauley, on the night of the 23d of October, with \$2,000 in standard silver dollars, the same amount in checks on the First National Bank of Denver, and five boxes of goods as presents for the Indians. In due time we reached our destination with both money and goods.

Most of the Indians were hunting when we reached the agency, but messengers were soon dispatched, and in a few days a council was convened, and, as a result, I have the pleasure of submitting to you the release of the reservation south and west of the San Juan district by the Tabeguaches. (See paper marked B.)

For reasons which I deem satisfactory, the agent preferred that the presents purchased by the commission at Alamosa should be paid for out of the tribal funds in possession of the chairman, rather than by certified vouchers issued by the agent. I therefore submit herewith a receipt for all the goods delivered to the Indians (paper marked C). It was with considerable difficulty that they were induced to receive the presents, Sapovanero, the chief, declaring that the Great Father must not think it necessary to send presents every time he wished a favor of them.

The money they requested me to return to the Great Father or pay the expenses of a delegation to Washington with it; they declined to receive it, as it had not been given them when promised. They evidently feared that it was a ruse to purchase the Uncompahgre Park, in regard to which they declined to treat. Finding them very anxious to have a delegation visit Washington, I was encouraged to believe that if a few of the leading men of the tribe could talk with the President in person, the sale of the four-mile square could be effected.

Authority was requested to take such delegation to Washington, and permission having been granted, I sent Capt. U. M. Curtis, whom I have engaged as interpreter, to bring them from the agency here.

As soon as any definite conclusion is come to in regard to the sale of the park, I will report it at once to your honorable body.

After Lieutenant McCauley witnessed the issue of the presents to the Indians, he returned to Alamosa. The checks and unexpended balance of the \$2,000 in cash, together with duplicate receipts, have been returned to the chairman, as per his receipts appended, and marked D, E, and F.

Very respectfully,

W. S. STICKNEY,
Secretary Ute Special Commission.

The Hon. the UTE SPECIAL COMMISSION.

A.

ROOMS UTE COMMISSION,
Alamosa, Colo., October 22, 1878.

SIR: You will proceed to the Los Pinos Agency and endeavor to obtain the consent of the Ute Indians to sale of all land south of 38°.

The land now important to secure is the Uncompahgre Park, adjoined to the town of Ouray.

It is believed that payment of so much of their annuities to the Tabeguaches, now the only tribe whose consent is required to relinquish this land south of parallel 38° 10', can be obtained, and that the amount of \$4,000, with the goods authorized purchased by the Indian Department, to be issued by the agent under the direction of the commission, will obtain the consent of these Indians to disposal of their lands at such a sum as the commission may believe it is the interest of the government to pay and for the Indians to receive.

You will assist the agent in the issue of the goods purchased by him, as directed by the Indian Department in letters dated July 17, 1878.

You will obtain the signatures in the manner designated by Department of the Interior in letter of September 25, 1878, copy of which is inclosed. You will understand that only such Indians are to be paid the money annuity as agree to sell and remove from the Uncompahgre Park. The question of their future reservation is a matter to be hereafter decided by the President, through the Department of the Interior, on such action as Congress may take.

If the Indians will not sign an article to relinquish the land upon payment of this money per capita, you will return the money, or such balance as you may have on hand, upon making payments under these instructions, with report of your action, notifying the commission of your arrival at Alamosa.

Lieutenant McCauley, Third Cavalry, is ordered to report to Los Pinos Agency to assist and witness payment of annuities, and will accompany you on your journey.

Yours, very respectfully,

EDWARD HATCH,
Breret Major-General and Chairman Ute Special Commission.

W. S. STICKNEY,
Secretary of Commission.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 25, 1878.

SIR: I have this day caused a requisition to issue for the sum of \$20,000, to be placed by telegraph to your credit with the First National Bank, Denver, Colo., from the appropriation and for the objects designated in the tabular statement herewith; for the proper care and disposition of which sum you will be held to account.

Under the authority of the honorable the Secretary of the Interior, you have been designated to disburse the above amount as a per capita payment, or part per capita and part in cattle or supplies, as in the opinion of the commission may be deemed best, to such Ute Indians as may consent to their removal from the reservation. In the event of a purchase of cattle or supplies, under the act approved May 27, 1878, not more than three thousand *at one time* is allowed to be expended in open market purchases.

I have mailed to you this day a supply of blanks to be used in making the per capita payments and to render an account to this office of your disbursements of cash and property, which should be made in duplicate. Each payment should be witnessed by one or more persons on the roll, and certified by yourself and by an interpreter.

If cattle or supplies are issued, proper receipts should be taken to accompany your property return, accompanied by certificates of an interpreter and the commissioners.

Your attention is invited to "instructions to agents" mailed with blanks.

Very respectfully,

WM. M. LEEDS,
Acting Commissioner.

General EDWARD HATCH, U. S. A.,
(Care N. C. McFarland, Esq., Topeka, Kans.)

Report of council held by the Ute Commission at Los Pinos Agency.

LOS PINOS INDIAN AGENCY,
Friday, August 30, 1878.

At ten o'clock the council was called to order by General Hatch, chairman of the commission.

Present, General Hatch, Mr. McFarland, Inspector Watkins, Agent Abbott; U. M. Curtis and Jesus Morend, interpreters; Ouray and Sapovanero, chiefs; and about twenty-five headmen of the Tabeguache Utes; and Jack, Colonel Mapisco, and about half a dozen other headmen of the White River Utes, and the secretary of the commission.

The proceedings of the council were as follows:

Mr. McFARLAND. The commissioners, General Hatch and myself, are sent here from Washington to talk with these chiefs and Indians for the purpose of hearing any complaints and settling any difficulty. Colonel Watkins is inspector of Indian affairs, and is traveling with us.

OURAY. We have no complaints to make; we were called to meet you, and didn't call you to meet us, but are ready to listen to anything you have to say; would like to hear what you have come for. Why do you drive Ajiuillar from Cimarron and Ignacio to White River?

General HATCH. The Great Father has heard that complaints have been made about the white men taking the Indians' land and has sent out this commission. Ignacio had complained that he had a little strip of land that was not good, and the Great Father sent out to buy the land; but Ignacio says he has no complaint to make.

OURAY. The settlers here want the land and the movement has been instigated by Senators Chaffee, Teller, and Patterson.

Mr. MCFARLAND. We don't want to drive anybody, nor have we power to do anything more than make a trial. We wanted Ignacio to come here, but he preferred to talk down there at the Southern Ute Agency.

OURAY. We heard and believe about the same as Ignacio. We believe the people about here have started the movement and the President hasn't done anything about it except as these things have been represented to him.

Inspector WATKINS. I have brought, by order of the President, the Cimarron Utes to the Southern Ute Agency because they had no reservation, and now they are there well satisfied.

OURAY. We understand that they were to receive their supplies at the Southern Ute Agency, and if they went south to hunt buffalo, did so on a permit.

Inspector WATKINS. That is in perfect accordance with the agreement I made with them.

General HATCH. The President finds that all the trouble is about land below here—about the lower strip and a little place about as large as a piece of buckskin. The President thinks it would be better to buy that land, and would be willing to pay liberally for it rather than have this constant trouble.

OURAY. Did the Apaches have any land below the San Juan?

General HATCH. They sold what they had, though I think it was Ute land. Did they own any land there?

OURAY. Yes, they did own some. When did they sell it?

General HATCH. Either in 1868 or 1872.

OURAY. We think that if we sell a little now, next thing they will want the rest.

Mr. MCFARLAND. Do you claim any interest in the land south of the mountains where Ignacio is?

OURAY. We have no claim to that.

General HATCH. You leave that with them below, and don't claim any of that fifteen mile strip where Ignacio lives. The Jicarilla Apaches don't own any land at all.

OURAY. When did they sell it? I never heard of it, and they have consulted me about that generally. I think the whole matter is a fraud.

Mr. MCFARLAND. That has nothing to do with what we are talking about.

General HATCH. Have you any claim to the land south of the mountain and the western strip?

Mr. MCFARLAND. The President wants to get the strip on the south and on the west and the four-mile square below here, and wants Ignacio to move to White River.

OURAY. I don't see that the President wants that land at all; the settlers want it.

General HATCH. Do you claim any of the land below the mountains?

OURAY. The land belongs to all of us.

General HATCH. Will you sell the land south and west of the San Juan district?

OURAY. If Ignacio had come up here and talked we might do something; but we don't want to sell the land from them.

Mr. McFARLAND. We know better what the President wants than you.

OURAY. Ignacio had some difference with us up here and said he would not come back.

Mr. McFARLAND. Are these Indians here ready to release their rights in the southern and western strips and in the four-mile square, if the others will release? We have to do this in pieces.

OURAY. If we sell a little piece, they, the settlers, will want more. If they buy four miles, they will want four more.

General HATCH. They have no place to raise vegetables for that town, and it doesn't follow that they would want more.

OURAY. I can't see that the President wants it; the settlers want it.

General HATCH. The President wants it so as to prevent trouble. It is a little notch, a tongue that is attached to the main territory.

OURAY. It should have been larger, but it is said that the engineer was bought off.

Mr. McFARLAND. We want to know if you will sell your interest in the four-mile offset and the southern and western strip, the agreement not to be binding until you are paid in cash for it. We want to buy it, that is what we are sent for, and we want you to consider it. If you will sell the four miles to the United States, then the settlers will have to buy it. We are going to our dinner now, and in a short time dinner will be ready for you.

The council then adjourned one hour for dinner.

Dinner being over, the council was again called to order by the chairman of the commission.

Mr. McFARLAND (to Ouray). What do you think of selling the four-mile square and the southern and western strips, or the four mile square alone?

OURAY. As for the southern portion, I don't care to talk about that. I will agree to anything that Ignacio may do respecting the southern and western strip, and as for the four-mile square, we don't want to sell it; hence we asked that the settlers be removed.

General HATCH. The four-mile square is worth very little to the Indians, and the settlers are dependent upon that for their vegetables, and it would be better to remove this bone of contention for a good price and settle the question.

OURAY. We have written to the department to send soldiers here to have the settlers removed.

General HATCH. Soldiers were sent here, but as soon as they came the white settlers wrote the Great Father, and, as the Indians didn't write, he thought the settlers must be right.

OURAY. We look upon it as the white settlers breaking the treaty. The miners don't want it.

General HATCH. That is a fact, but it isn't the white men there, but their backers that are urging them to it.

OURAY. If the government wants to take it and break the treaty, all right.

General HATCH. I don't believe the land is worth ten ponies, but the Great Father will give you \$10,000 for the land and settle the question once for all.

OURAY. I don't think that would end it. They would want more.

General HATCH. You don't understand it. They want a little room to raise vegetables. There is no room for them to breathe. I think the

Indians will gain by taking the money; \$10,000 will do a great deal; you can buy a great deal with it; the land isn't worth much to you, and with the money you can do a great deal.

OURAY. I won't advise one way or the other. The last time I advised to sell. Now I'll not advise one way or the other.

SAPOVANERO. The same argument was made the last time.

Mr. MCFARLAND. We are not begging; we are trading. The land is not worth that to the President or to the Indians; but, to settle the question, we are willing to pay \$10,000. There are only twelve hundred or so acres that can be used, and we simply want to make a trade. The lands can't be taken from you.

SAPOVANERO. We don't want to sell it; don't want money.

Mr. MCFARLAND. If you don't want money, we will pay then in cattle, in cattle or agricultural implements.

General HATCH. If all are rich, we will tell the Great Father so.

OURAY. We have been promised money before, but have never seen it.

Mr. MCFARLAND. You won't give up the land till you sell the land?

General HATCH. The Indians know the land is not worth \$10,000; we are talking for you and not for the white men.

OURAY. If you were talking for the Indians, you would put the settlers out.

General HATCH. It is to settle this trouble. The \$10,000 is not for value of land but to settle the trouble. The people are ordered out when they get their crops, but if the settlers are put out it will only make bad feelings. I sent troops this spring, but the representatives got permission to leave the settlers till the crops were out. I am afraid they would do that all the time. You can't look up those people that way; they will have breathing room. The Indians do want money; they sell buckskins and ponies for money, and they want money, and the money would be worth much more to them than this land.

INDIANS. We think further discussion is unnecessary.

General HATCH. This conversation has been for your good, and in twelve months remember it. I have seen you buy guns in Denver, and you want money. Remember this conversation is for your good.

SAPOVANERO. Before we had any treaty we traded our skins.

General HATCH. Suppose the settlers were moved to-morrow, what would the land be worth to you? Ten thousand dollars will buy five hundred rifles; is it worth five hundred rifles? Is that country worth \$10,000 to look at?

OURAY. How much money have you?

General HATCH. We will pay \$10,000 for it. The whites will pay \$1.25 per acre, and hardly more than two thousand acres that can be cultivated.

OURAY. That will make no difference.

General HATCH. If we drive the white men off we will make enemies for the Indians; we don't pay the value of the land, but simply to settle the question.

OURAY. I don't care what the rest do.

General HATCH. I can drive the white men off, but the Indians will have enemies. If the Indians take the thousand dollars they will have much money and no enemies.

QUERO. I don't want to offend any one, but we don't want the money.

General HATCH. It is the Indians' interest to sell the land, and not for the government.

Mr. MCFARLAND. Suppose we should come again and bring the money, would you take it?

OURAY. It would make no difference.

General HATCH. Ouray says it would take troops to move the settlers. If I should take troops and move the settlers, I should have to take the ground to make a garden for myself, and you wouldn't get any good from it. I would burn all the wood and eat all the grass; would have to do it to keep the troops alive; so what would be the benefit to you between having the troops or the settlers there?

OURAY. All I want is the rights of the treaty already made. Let the government keep its obligations.

General HATCH. To do that I must bring troops, and they would eat it up, which would be the same thing; and now you can get a good price for it.

OURAY. We don't want any hard feelings on either side, but we want the treaty to stand.

General HATCH. But it will take troops to carry it out, and that will make hard feelings; you need the money, and it will be a good thing for you. The soldiers will be a greater annoyance than to settle the question now.

Mr. McFARLAND. This is the first talk. Think it over, and come tomorrow at ten o'clock and talk it over again.

The council then adjourned to meet at ten o'clock the following day, August 31.

W. S. STICKNEY,
Secretary.

LOS PINOS AGENCY, August 31, 1878.

At 4.45, the adjourned meeting of the council was called to order by the chairman of the commission. Present the same as the day previous.

The proceedings are as follows:

General HATCH. Yesterday, to settle this whole matter with the citizens, we offered you \$10,000, and you were to think it over. The Indians were advised to sell the lands. It is not worth \$10,000 to the government. If the settlers were to be removed, troops must be put there, and they will take all the produce. The people must have breathing room. If you have changed your minds we want to hear it; if you haven't, that is the last proposition we have to make, the land not to be relinquished till the money is paid.

OURAY. We don't want to sell that piece of ground, but we treat to keep the whites off.

General HATCH. We would have to keep troops there all the time. Wouldn't it be better to sell it at once?

OURAY. The agreement was only to drive the people off, not to put a post there.

General HATCH. That's the only way to keep the settlers off the land, to keep troops there; for they will have vegetables some way.

OURAY. The place is a camp for my horses, but now I can't use it for the settlers.

General HATCH. What is the difference, if you get the land for more than it is worth? But if the soldiers are put there they will eat the grass as much as the settlers.

OURAY. The soldiers are to come and put off the white settlers; that is what the treaty calls for.

General HATCH. Yes; but the soldiers will have to keep coming, and that will use up all the Indian land.

OURAY. Why will the settlers come again if the soldiers drive them off?

General HATCH. Because the settlers have been told that the Indians don't own that four-mile square, though we know they do; and that is the reason they dare to settle on it.

OURAY. We have nothing more to say.

General HATCH. We want to ask if the Weeminuches, Capotes, and Muaches that are south of the mountain will sell their land and come up here if you have any objection to it.

Mr. MCFARLAND. We understood yesterday that you said you would not interfere in anything that Ignacio and his band did. We want to know if we understood you correctly?

OURAY. Why didn't some of them come here?

General HATCH. Because they didn't want to. Did you say yesterday that you would not object to whatever Ignacio and his people did?

OURAY. We say the same as we did yesterday.

Mr. MCFARLAND. Ignacio and his people did not tell us why, but simply said they didn't want to come up here.

OURAY. If the Southern Utes want to sell their lands we won't interfere.

Mr. MCFARLAND. We have heard that some of you have been talking of wanting to go to Washington to see about this matter. We have no objection to their going if they so desire. What do you want to go for?

OURAY. Some of us have been talking of wanting to go to talk with the Great Father about the settlers.

Mr. MCFARLAND. We will report to the Great Father the difficulties, and that you would like to come and see him.

The council then adjourned *sine die*.

W. S. STICKNEY, *Secretary*.

Report of a council held with a delegation of Southern Utes in the office of the Commissioner of Indian Affairs, January 14, 1879.

Commissioner HAYT. The Secretary has instructed me to give you each a medal. You said you wanted to talk about the four-mile square tract. What do you want to say?

BILLY. I want it understood by you, as well as all the rest, that we are not selling this because we desire it, but because the government wants it. We look upon that as being our final say. It is the four-mile square that I have reference to; nothing else.

COMMISSIONER. You say you want to ascertain the price for it; is that so?

BILLY. We have concluded to take what the government offers, \$10,000, and we want the money. We want \$200 each now. We want it in currency; not in silver, but in paper.

COMMISSIONER. We cannot pay you the \$10,000 until we get a law passed by Congress, and then we can pay it to you; but we must get an appropriation for it first. You do not part with your land until you get the money for it; until then it is yours. We have to get a bill

passed through Congress before we can give you the money. To-morrow morning we will give you the medals and some money.

BILLY. We want ammunition.

COMMISSIONER. There are so many hostile Indians that we cannot give fixed ammunition to any Indians. You have bows and arrows and you must try to get along with them, and you can have smooth-bore shot-guns, but we cannot give you any fixed ammunition. We can only give you powder, lead, and percussion caps.

UNITED STATES INDIAN AGENCY, LOS PINOS, COLO.,

March 8, 1879.

SIR: I have the honor as well as the pleasure to report that the chiefs and headmen of this agency, in council assembled, fully indorsed the action of their representatives while in Washington last winter, viz, selling to the United States the Uncompahgre Park, or four-mile strip, for \$10,000 in cash. They desire me to inform you of this, and also request that it be immediately surveyed by Charles Wheeler, living at Ouray, Colo., who, I understand, is a deputy United States surveyor, and in whom they have confidence. It is of the utmost importance that this matter be at once closed up, as prospectors and miners are liable to find mines this side of the park, and it may be difficult to obtain as unanimous a consent again.

If the department can give me some idea of the time that will elapse before transfer can be made and money paid it would be a great relief, as constant inquiries will be made.

Yours, respectfully,

L. M. KELLEY,

United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 31, 1879.

SIR: I am in receipt of your letter of the 8th instant, in which you state that the chiefs and headmen of your agency, in council assembled, fully indorse the action of their representatives while in Washington last winter, selling to the United States the Uncompahgre Park, or four-mile strip, for the sum of \$10,000 in cash, and in reply I inclose, herewith, for the signature of the chiefs and headmen of the Tabeguache, Yampa, Grand River, and Uintah bands of Ute Indians an agreement, made by and between the Commissioner of Indian Affairs, in behalf of the United States, and the chiefs and headmen of the aforesaid bands of Indians, for the relinquishment, by the said bands of Indians, to the United States, of the Uncompahgre Park, for the consideration of \$10,000.

This agreement is drawn in accordance with the understanding had with the representatives of the above-named bands of Indians while in Washington in January last.

You will procure the signatures, in due form, of the chiefs and headmen of aforesaid bands of Indians to this agreement, after which you will transmit it to this office.

You will observe by the third article this agreement is subject to rati-

fication or rejection by Congress, which fact you will impress upon the minds of the Indians before they sign the same.

Very respectfully,

E. A. HAYT,
Commissioner.

L. M. KELLEY, Esq.,
United States Indian Agent, Los Pinos Agency, Colorado.

UNITED STATES INDIAN AGENCY, LOS PINOS, COLO.,
April 12, 1879.

SIR: I have the honor to inclose herewith articles of agreement signed as requested in department letter L, Colorado, K 248, date March 31, 1879.

I would also report that I thoroughly explained article 3 of said agreement to the council before their signatures were affixed thereto.

Very respectfully,

L. M. KELLEY,
United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Articles of convention made and entered into at the city of Washington, District of Columbia, on the fourteenth day of January, eighteen hundred and seventy-nine, by and between Ezra A. Hayt, Commissioner of Indian Affairs, in behalf of the United States, and the chiefs, headmen, and men of the Tabeguache, Yampa, Grand River, and Uintah bands of the Ute Indians, witnesseth:

That whereas, by the first article of an agreement between the United States and the confederated band of the Ute nation of Indians, ratified by act of Congress approved April twenty-nine, eighteen hundred and seventy-four, the said confederated bands of the Ute nation of Indians relinquished certain lands therein described to the United States, with the proviso, "that if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein; and is hereby reserved and retained as a portion of the Ute Reservation"; and whereas, upon the survey of said north boundary line, in the year eighteen hundred and seventy-five, it was found that a large portion of the Uncompahgre Park fell within the country relinquished as aforesaid; and whereas, by executive order, dated August seventeen, eighteen hundred and seventy-six, that portion of the aforesaid park falling within the country relinquished as aforesaid was set apart as a part of the Ute Reservation, in accordance with the first article of the aforesaid agreement:

Now, therefore, Ezra A. Hayt, Commissioner of Indian Affairs, in behalf of the United States, and the chiefs and people of the Tabeguache, Yampa, Grand River, and Uintah bands of the Ute Indians, do enter into the following agreement:

ARTICLE I. The Tabeguache, Yampa, Grand River, and Uintah bands of Ute Indians hereby relinquish to the United States all right, title, claim, and interest in and to the following-described country, reserved and retained as a portion of the Ute Reservation by the first article of

the agreement ratified by act of Congress approved April twenty-nine, eighteen hundred and seventy-four, and as set apart, in accordance with said article, by executive order dated August seventeen, eighteen hundred and seventy-six, viz: "Commencing at the fifty-third mile-post on the north line of the survey of the boundaries of the Ute cession, executed by James W. Miller, in 1875; thence south 4 miles; thence east 4 miles; thence north 4 miles to said north line; thence west to the place of beginning."

ARTICLE II. In consideration of the foregoing relinquishment of the aforesaid tract of land, the United States agree to pay to the said Tabeguache, Yampa, Grand River, and Uinta bands of Ute Indians ten thousand dollars.

ARTICLE III. This agreement is subject to ratification or rejection by the Congress of the United States.

E. A. HAYT,

Commissioner of Indian Affairs.

Ouray, head chief the Ute nation.

Uncommute, his x mark, old Uncompahgre chief.

Sapovinen, his x mark, young Uncompahgre chief.

Waro, his x mark, chief of Tabeguaches.

Colorado Chiquito, his x mark, chief of Tabeguaches.

Sam, chief of Tabeguaches.

Tom, chief of Tabeguaches.

Ungafaquoits, his x mark, chief of Tabeguaches.

Big Colorado, his x mark, chief of Tabeguaches.

Uncatash, his x mark, chief of Tabeguaches.

Banjurch, his x mark, head man.

Opfiwich, his x mark, young chief.

Washington, his x mark, old chief.

Saforatz, his x mark, warrior.

Charley, his x mark, warrior.

Sanbank, his x mark, head man.

McCook, his mark, young chief.

Corinoergrebt, his x mark, head man.

Cumuckee his x mark, head man.

Patchinch, his x mark, head man.

Muris, his x mark, head man.

Segeah, his x mark, head man.

Unque, his x mark, young chief.

Tugurwaket, his x mark, head man.

Tabichua, his x mark, head man.

Ta Pore, his x mark, head man.

Antelope, his x mark, warrior.

Schaomcarx, his x mark, war chief of Tabeguaches.

Bonah, his x mark, head man.

Chrippio, his x mark, head man.

Wass, young chief.

Son of Charley, his x mark, young warrior.

Uovquits, his x mark, warrior.

Siffilo, his x mark, warrior.

Chiwalwitz, his x mark, young chief.

Tuwiwo, his x mark, head man.

Rabitstewalkin, his x mark, head man.

Red Moon, his x mark, young chief.

Maschrops, his x mark, warrior.

Cotchwitz, his x mark, warrior.
 Hunchback, his x mark, head man.
 Uburt, his x mark, head man.
 Peah, his x mark, chief.
 Tomasricker, his x mark, old chief.
 Dutchman, his x mark, chief.
 Johnston, his x mark, young warrior.
 Carawango, his x mark, head man.
 Coshof, his x mark, head man.
 Sanjuanquit, his x mark, head man.
 Wapsoppa, his x mark, chief.
 Katonawac, his x mark, head man.
 Tofasoa, his x mark, head man.
 Tuguap, his x mark, head man.
 Tartachs, his x mark, head man.
 Wasasic, his x mark, warrior.
 Little Coho, his x mark, sub-chief.
 Pagio, his x mark, sub-chief.
 Alaman, his x mark, warrior.
 Ziahre, his x mark, warrior.
 Buffalo, his x mark, warrior.
 Tufunnud, his x mark, old chief Tabequaches.
 Arufe, his x mark, head man.
 Kanrotz, his x mark, head man.
 Knoocik, his x mark, warrior.
 John, his x mark, young man.
 Cuinniry, his x mark, head man.
 Pulmoch, his x mark, head man.
 Ouaye, his x mark, head man.
 Uno, his x mark, warrior.
 Sarchakitz, his x mark, warrior.
 George, his x mark, young warrior.
 Pashone, his x mark, head man.

I certify on honor that I was present and witnessed the signing of these articles of agreement after fully explaining the nature of the same to the Indians.

JESUS MORENO, *Interpreter.*

¶ We, the undersigned, were present at and witnessed the assent of the Ute chiefs, headmen, and men of the Ute tribe of Indians, whose names are attached thereto.

L. M. KELLEY,
United States Indian Agent.
 E. F. DEMONSTOY,
Chief Herder.

LOS PINOS INDIAN AGENCY, COLO.,
 April 12, 1879.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, April 28, 1879.

SIR: By the first article of the agreement made between the United States and the confederated band of the Ute nation of Indians, ratified

by act of Congress approved April 29, 1874 (18 Stat., 36), the said band of Indians relinquished to the United States certain lands described therein, with the proviso "that if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute Reservation." Upon the survey of the north boundary-line of the country ceded by said agreement, in the year 1875, it was found that a large portion of said park fell within the country relinquished.

By Executive order dated August 17, 1876, that portion of the Uncompahgre Park falling within the country relinquished as aforesaid was set a part as a part of the Ute Reservation, in advance with the first article of the agreement of 1874.

By the agreement entered into on the 9th November, 1878, between the commission appointed under the provisions of the act of March 3, 1878 (Pamphlet Laws, 48), on the part of the United States, and the chiefs and head men of the Muache, Capote, and Weeminuchee bands of Ute Indians, the latter relinquished all their right to and interest in the Confederated Ute Reservation in the State of Colorado, and particularly that portion lying south of the parallel of thirty-eight degrees and ten minutes north latitude.

The chiefs and head men of the Tabeguache, Yampa, and Grand River Utes of Colorado, and the Uintah band, of the Territory of Utah, concurred in said cession of the lands immediately south and west of the San Juan mining district.

It will thus be seen that the Muache, Capote, and Weeminuche bands of Utes relinquished their rights to all lands in Colorado, while the Tabeguache, Yampa, Grand River, and Uintah bands relinquished their rights to so much of said lands as are immediately south and west of the San Juan mining district.

While the representatives of the Utes were in Washington in January last, the last-named bands consented to relinquish all their rights to the Uncompahgre Park, in Colorado, for the consideration of \$10,000.

By letter of March 8, 1879 (herewith), L. M. Kelley, United States Indian agent at Los Pinos Agency, Colorado, advised this office that the chiefs and headmen of his agency, in council assembled, fully indorsed the action of their representatives while in Washington last winter, in selling to the United States the Uncompahgre Park, and on the 31st of March this office inclosed to Agent Kelley an agreement, drawn and dated in accordance with the understanding had with said Indians, and signed by the Commissioner of Indian Affairs on the part of the United States, for the signatures of the chiefs and headmen of the Tabeguache, Yampa, Grand River, and Uintah bands of Ute Indians, which agreement was returned to this office with letter from Agent Kelley, dated the 12th instant (herewith), duly signed by the chiefs and headmen of the aforesaid bands of Indians. By this agreement these Indians relinquished to the United States all right, title, claim, or interest in and to the Uncompahgre Park, or four-mile strip, in Colorado, and in consideration of said relinquishment the United States agree to pay to said bands of Indians the sum of \$10,000.

It is stipulated by article 3 that this agreement is subject to ratification or rejection by Congress. I inclose herewith said agreement, with duplicate copies of the same and of this report, and have the honor to recommend that the same be transmitted to the President for such action as he may deem proper in the premises.

I respectfully request the return of the letters of Agent Kelley to the files of this office.

Very respectfully, your obedient servant,

E. J. BROOKS,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
Southern Ute Agency, Colorado, November 27, 1879.

SIR: I have the honor to report surveying party now making survey of route for the extension of the Denver and Rio Grande Railroad through the Southern Ute Reservation. Bids for building said extension have been advertised for; contracts to be awarded November 20.

Should working parties commence grading, the Indians express their intention to resist the building of the road through the reserve. I would respectfully request instructions from the honorable Commissioner.

Shall I use force (Indian) to prevent working parties from coming on the Southern Ute Reservation?

Some action seems to be necessary, either to stop the working parties or to prevent Indians interfering with them.

Very respectfully,

HENRY PAGE,
United States Indian Agent.

Hon. E. A. HAYT,
Commissioner of Indian Affairs.

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 10, 1879.

To PAGE,

Southern Ute Agency, Animas City, via Alamosa, Colo.:

You will notify contractors, railroad employes, and laborers to keep off the Southern Ute Reservation. If any persons trespass on the reservation, after having been warned off, you will use your police force to expel them.

E. A. HAYT,
Commissioner.

48. Charge Indian Office.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 4, 1879.

SIR: I inclose herewith copy of a letter dated 15th instant, from Capt. H. L. Mitchell, of La Plata County, Colorado, addressed to the honorable Secretary of the Interior, who makes complaint against Indians supposed to belong to your agency, who are off the reservation, and are in

the habit of committing depredations upon the citizens of said county. He states that the Indians threaten to drive the settlers from their houses, and that they have had to build a fort for self-protection. You will at once investigate this matter, and if you find good cause for the charge made against the Indians, adopt effective measures to restrain them in future, and keep them upon the reservation.

Very respectfully,

E. A. HAYT,
Commissioner.

H. F. PAGE,
*United States Indian Agent,
Southern Ute Agency, Animas City, Colo.*

[Telegram.—Received at corner Fifteenth and F streets, Washington, D. C., 11.49 p. m., December 23.]

ANIMAS CITY, COLO.,
December 18, 1879.

To HAYT,
Commissioner Indian Affairs, Washington D. C.:

Page on Lower Animas and La Plata removing depredators. Dispatch and letter from you, instructing him, go by General Buell's courier to-day.

SCOTT, *Clerk.*

29. Collect, G. R. Via Alamosa, Colo., 23.

C